MUNICIPAL CODE

SHERWOOD, OREGON

Covering ordinances through June 16, 2009.

Supplement No. 9

SHERWOOD, OREGON

MUNICIPAL CODE

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A Codification of the General Ordinances of
Sherwood, Oregon

_____

Beginning with Supp. No. 9,
Supplemented by Municipal Code Corporation

_____

GRAPHIC UNAVAILABLE: Click here

PREFACE

The Sherwood, Oregon Municipal Code, originally published by Book Publishing Company in 1998, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 9, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Derryck Dittman, city attorney, and Tim Henkle, administrative assistant to the city manager.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 9, legislation can be tracked using the "Code Comparative Table and

Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance 2009-007, passed June 16, 2009.

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310
800-262-2633

HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are Reserved for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between 2.04, City Council, and Chapter 2.08, City Attorney.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 9, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Cross-Reference Table.

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 9, this table will no longer be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 9, this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 9, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX
Fee 5.04.030
Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Instruction Sheet.

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, the pages of this code were consecutively numbered. As of Supplement No. 9, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: ords@municode.com.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation
P.O. Box 2235
Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310

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SHERWOOD CITY CHARTER

PREAMBLE

We, the voters of Sherwood, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2005 Sherwood City Charter.
(Res. 05-008 § 1 (part))

Section 2. Name. The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood.
(Res. 05-008 § 1 (part))

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by state law, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.
(Res. 05-008 § 1 (part))

Chapter II

POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically stated each of those powers.
(Res. 05-008 § 1 (part))

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.
(Res. 05-008 § 1 (part))

Section 6. Distribution.

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not

delegate its authority to adopt ordinances. The council appoints members of commissions, board and committees established by ordinance or resolution.
(Res. 05-008 § 1 (part))

Chapter III

COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city by position.
(Res. 05-008 § 1 (part))

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.
(Res. 05-008 § 1 (part))

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.
(Res. 05-008 § 1 (part))

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.
(Res. 05-008 § 1 (part))

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with council rules.
(Res. 05-008 § 1 (part))

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.
(Res. 05-008 § 1 (part))

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.
(Res. 05-008 § 1 (part))

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.
(Res. 05-008 § 1 (part))

Chapter IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The

enacting clause for all ordinances must state "The City of Sherwood ordains as follows:"
(Res. 05-008 § 1 (part))

Section 16. Ordinance Adoption.

(a) Adoption of an ordinance requires approval by a majority of the council at one meeting provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.
(Res. 05-008 § 1 (part))

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption and approval by the mayor, or adoption after veto by the mayor, or on a later day provided in the ordinance. An ordinance adopted by all councilors may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause, and is not subject to veto by the mayor.
(Res. 05-008 § 1 (part))

Chapter V

ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:"
(Res. 05-008 § 1 (part))

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to

the public before the council adopts the resolution at a meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.
(Res. 05-008 § 1 (part))

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions.
(Res. 05-008 § 1 (part))

Chapter VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:"
(Res. 05-008 § 1 (part))

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.
(Res. 05-008 § 1 (part))

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.
(Res. 05-008 § 1 (part))

Chapter VII

ELECTIONS

Section 24. Councilors. At each general election after the adoption, three councilors will be elected for four-year terms by position. The terms of councilors in office when this charter is adopted are the terms for

which they were elected.
(Res. 05-008 § 1 (part))

Section 25. Mayor. At every other general election after the adoption, a mayor will be elected for a two-year term. The mayor in office when this charter is adopted is the term for which the mayor was elected.
(Res. 05-008 § 1 (part))

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.
(Res. 05-008 § 1 (part))

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor, nor a councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of its members.
(Res. 05-008 § 1 (part))

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.
(Res. 05-008 § 1 (part))

Section 29. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.
(Res. 05-008 § 1 (part))

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.
(Res. 05-008 § 1 (part))

Section 31. Vacancies. The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

(1) Death,

(2) Adjudicated incompetence, or

(3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

(1) Failure to qualify for the office within 10 days of the time the term of office is to begin,

(2) Absence from the city for 45 days without council consent, or from three consecutive regular council meetings,

(3) Ceasing to reside in the city,

(4) Ceasing to be a qualified elector under state law,

(5) Conviction of a public offense punishable by loss of liberty,

(6) Resignation from the office, or

(7) Removal under Section 33(i).

(Res. 05-008 § 1 (part))

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term. The election will be held at the next available election date to fill the vacancy for the remainder of the term. A mayor or councilor vacancy may be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until the vacancy is filled by election or until expiration of the term of office if no election is required to fill the vacancy.
(Res. 05-008 § 1 (part))

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

(1) Attend all council meetings unless excused by the mayor or council;

(2) Make reports and recommendations to the mayor and council about the needs of the city;

(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;

(4) Appoint, supervise and remove city employees;

(5) Organize city departments and administrative structure;

(6) Prepare and administer the annual city budget;

(7) Administer city utilities and property;

(8) Encourage and support regional and intergovernmental cooperation;

(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;

(10) Perform other duties as directed by the council;

(11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(j) The manager may not serve as city recorder or city recorder pro tem.
(Res. 05-008 § 1 (part))

Section 34. City Recorder.

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the mayor or council.

(b) A majority of the council must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the council must appoint a recorder pro tem. The recorder pro tem has the authority and duties of recorder.
(Res. 05-008 § 1 (part))

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any office employees.
(Res. 05-008 § 1 (part))

Section 36. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

(1) Render judgments and impose sanctions on persons and property;

(2) Order the arrest of anyone accused of an offense against the city;

(3) Commit to jail or admit to bail anyone accused of a city offense;

(4) Issue and compel obedience to subpoenas;

(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;

(6) Penalize contempt of court;

(7) Issue processes necessary to enforce judgments and orders of the court;

(8) Issue search warrants; and

(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.
(Res. 05-008 § 1 (part))

Chapter IX

PERSONNEL

Section 37. Compensation. The council must authorize the compensation of city appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors may be reimbursed for actual expenses.
(Res. 05-008 § 1 (part))

Section 38. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.
(Res. 05-008 § 1 (part))

Chapter X

PUBLIC IMPROVEMENTS

Section 39. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for one year upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.
(Res. 05-008 § 1 (part))

Section 40. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.
(Res. 05-008 § 1 (part))

Chapter XI

MISCELLANEOUS PROVISIONS

Section 41. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.
(Res. 05-008 § 1 (part))

Section 42. Solid Waste Incinerators. The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the city. This applies to solid waste defined by ORS 459.005(24), and includes infectious wastes defined by ORS 459.386(2). This prohibition does not apply to otherwise lawful furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used only for energy recovery purposes. Such small-scale incinerators are only exempt from this prohibition if they are ancillary to a city permitted or conditional use, and may not utilize infectious wastes or any fuels derived form infectious wastes. This prohibition does not apply to solid waste incinerators lawfully permitted to operate before September 5, 1990, but does apply to any expansion, alteration or modification of such uses or applicable permits.
(Res. 05-008 § 1 (part))

Section 43. Willamette River Drinking Water. Use of Willamette River water as a residential drinking water source within the city is prohibited except when such use has been previously approved by a majority vote of the city's electors.
(Res. 05-008 § 1 (part))

Section 44. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.
(Res. 05-008 § 1 (part))

Section 45. Repeal. All charter provisions adopted before this charter takes effect are repealed.
(Res. 05-008 § 1 (part))

Section 46. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.
(Res. 05-008 § 1 (part))

Section 47. Time of Effect.

This charter takes effect July 1, 2005.
(Res. 05-008 § 1 (part))

Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption

1.04 General Provisions

1.08 Initiative and Referendum

1.10 Public Contracting Rules

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Adoption.
1.01.020 Title--Citation--Reference.
1.01.030 Reference applies to all amendments.
1.01.040 Title, chapter and section headings.
1.01.050 Reference to specific ordinances.
1.01.060 Ordinances passed prior to adoption of the code.
1.01.070 Effect of code on past actions and obligations.
1.01.080 Constitutionality.
1.01.090 References to prior code.
1.01.100 Emergency clause.

1.01.010 Adoption.

There is adopted the "Sherwood Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.
(Ord. 98-1060 § 1)

1.01.020 Title--Citation--Reference.

This code shall be known as the "Sherwood Municipal Code" and it shall be sufficient to refer to said code as the "Sherwood Municipal Code" in any prosecution for the violation of any provision of this code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion of this code as an addition to, amendment to correction or repeal of the "Sherwood Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Sherwood Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.
(Ord. 98-1060 § 2)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Sherwood Municipal Code" or to any portion thereof, or to any ordinance of the city of Sherwood Oregon, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.
(Ord. 98-1060 § 3)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or any title, chapter or section in this code.
(Ord. 98-1060 § 4)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.
(Ord. 98-1060 § 5)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance 98-1057, passed July 28, 1998. The following ordinances passed subsequent to Ordinance 98-1057, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 98-1058 and 98-1059.
(Ord. 98-1060 § 6)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.
(Ord. 98-1060 § 7)

1.01.080 Constitutionality.

If any section, subsection sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the code.
(Ord. 98-1060 § 8)

1.01.090 References to prior code.

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 98-1060 § 9)

1.01.100 Emergency clause.

In order to ensure the code of the city is accurate in form and function so as to protect the interest of public health, safety and welfare, an emergency is declared to exist. This ordinance shall be effective upon its passage by the council and approval by the mayor.
(Ord. 98-1060 § 10)

Chapter 1.04

GENERAL PROVISIONS

Sections:
1.04.010 Definitions.
1.04.020 Interpretation of language.
1.04.030 Grammatical interpretation.
1.04.040 Acts by agents.
1.04.050 Prohibited acts include causing and permitting.
1.04.060 Computation of time.
1.04.070 Construction.
1.04.075 Attorneys fees.
1.04.080 Repeal shall not revive any ordinances.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Sherwood, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"City" means the city of Sherwood or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

"Council" means the city council of the city of Sherwood. "All its members" or "all councilmembers" means the total number of councilmembers holding office.

"County" means the county of Washington.

"Law" denotes applicable federal law, the Constitution and statutes of the state of Oregon, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" mean next before and next after, respectively.

"Property" means and includes real and personal property.

"Real property" means and includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"State" means the state of Oregon.

"Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

"Tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

"Written" means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

"Year" means a calendar year.
(Ord. 98-1048 § 1)

1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
(Ord. 98-1048 § 2)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(Ord. 98-1048 § 3)

1.04.040 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.
(Ord. 98-1048 § 4)

1.04.050 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.
(Ord. 98-1048 § 5)

1.04.060 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.
(Ord. 98-1048 § 6)

1.04.070 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice.
(Ord. 98-1048 § 7)

1.04.075 Attorneys fees.

In the event the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of any of its ordinances, resolutions or any right(s) afforded it by its charter or state statute, the city shall be entitled to the award of its reasonable attorneys fees in the event it is the prevailing party.
(Ord. 03-1149 § 1)

1.04.080 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.
(Ord. 98-1048 § 8)

Chapter 1.08

INITIATIVE AND REFERENDUM

Sections:
1.08.010 Filing of petitions.
1.08.020 Proposed charter amendments.
1.08.030 Penalty for false or duplicate signatures.
1.08.040 Voting.
1.08.050 Publication of adopted measures.
1.08.060 Effective date of ordinances.

1.08.010 Filing of petitions.

Initiative and referendum proceedings for city measures shall be conducted in the manner and using the forms and procedures as prescribed by Oregon Revised Statutes Chapter 250, Section 250.005, et seq., as therein made applicable to cities in the state of Oregon. The recorder of the city shall accept for filing any petition for the initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the county clerk or county elections officer of Washington County, and if a sufficient number of qualified voters be found to have signed said petition, the recorder shall file same within ten days after presentation thereof to him or her.

Initiative petitions must be signed by not less than fifteen (15) percent of the electors registered in the city at the time the prospective petition is filed. A petition to refer a city measure must be signed by not less than ten percent of the electors registered in the city at the time the prospective petition is filed. The petition must be filed with the city elections officer not later than the thirtieth day after adoption of the city legislation sought to be referred.
(Ord. 98-1038 §§ 2, 3)

1.08.020 Proposed charter amendments.

An amendment to the charter of the city may be proposed and submitted to the legal voters thereof by ordinance of the council without an initiative petition; said ordinance shall be filed with the recorder for submission sufficiently in advance of the election date to meet the deadlines established by the county elections officer or inclusion on the election ballot for the election at which the amendment is to be voted upon. No amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said city.

Where an amendment to the charter of the city may be proposed and submitted to the legal voters thereof by ordinance of the council without an initiative petition, the said ordinance shall therein state the date of the regular municipal election, or the date of a special election at which said amendment will be submitted to be voted on, and shall call and make provision for the holding of said election.
(Ord. 98-1038 §§ 4, 5)

1.08.030 Penalty for false or duplicate signatures.

Legal voters of the city are qualified to sign a petition for the referendum or for the initiative for any measure which he or she is entitled to vote upon. Any person signing any name other than his or her own to a petition, or knowingly signing his or her name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of the city of Sherwood, or any officer or other person violating any of the provisions of this chapter, shall upon citation and conviction thereof be punished by a civil penalty not exceeding five hundred dollars ($500.00) in the discretion of the municipal court.
(Ord. 98-1038 § 6)

1.08.040 Voting.

The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.
(Ord. 98-1038 §§ 7, 8)

1.08.050 Publication of adopted measures.

The mayor shall, within ten days from the time of such election, proclaim by publication once in a newspaper published in the city, the adoption of such measure and amendment which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 1.08.040 of this chapter with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect, according to such result from the time of such proclamation.
(Ord. 98-1038 § 9)

1.08.060 Effective date of ordinances.

No ordinance shall take effect and become operative until thirty (30) days after its passage by the council and approval by the mayor, or passage by four-fifths vote over the veto of the mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency shall become immediately operative until same is passed by a three-fifths majority of all the members of the council and also approved by the mayor.
(Ord. 98-1038 § 10)

Chapter 1.10

PUBLIC CONTRACTING RULES

Sections:

1.10.010 General provisions.
1.10.020 Personal service contracts.
1.10.030 Authority to electronically advertise solicitations for goods and services.
1.10.040 Authority to electronically advertise solicitations for public improvements.
1.10.050 Small procurements.
1.10.060 Sole-source procurements.
1.10.070 Notice of intent to award certain contracts.
1.10.080 Procedure for surplus property.

1.10.010 General provisions.

A. Except as provided within these rules, city public contracting is governed by the code and the model rules.

B. The Sherwood city council is the city's contract review board (board). Except as otherwise provided in these rules, the powers and duties of the board under the code and model rules will be exercised by the board and the powers and duties given or assigned to contracting agencies by the code or model rules will be exercised by the city manager acting as the city's contracting agent.

C. For the purposes of these rules, "City Manager" means the city manager for the city of Sherwood, or the city manager's designee.
(Res. 05-006 § 1 (part))

1.10.020 Personal service contracts.

A. "Personal service contract" means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The city manager has discretion to determine whether a particular contract or service falls within this definition. For the purposes of this section, personal services contracts do not include such contracts for architectural, engineering and land surveying services. The procedures for those contracts are found in the model rules, OAR 137, Division 48.

B. The following formal selection procedure will be used when the estimated payment to the contractor exceeds twenty-five thousand dollars ($25,000.00).

1. Announcement. The city will give notice of its intent to procure personal services through the League of Oregon Cities, and any other means the city deems appropriate, including contacting prospective contractors directly. Announcements will include:

    a. A description of the proposed project;

b. The scope of the services required;

c. The project completion dates;

d. A description of special requirements;

e. When and where the application may be obtained and to whom it must be returned;

f. The closing date; and

g. Other necessary information.

2. Application. Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the city as necessary to make its selection.

3. Initial Screening. The city manager will evaluate the qualifications of all applicants and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is best qualified to meet the city's needs.

4. Final Selection.

a. The city manager will interview the finalists selected from the initial screening. At the city manager's discretion, the interviews may be conducted before the board.

b. After the interview process concludes, the city manager will make the final selection. If the interviews are conducted before the board, the board will make the final selection.

c. The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the city as necessary for the city to select a contractor.

C. The following informal selection procedure may be used when the estimated payment to the contractor is under twenty-five thousand dollars ($25,000.00) or when the city manager determines that the informal procedures will not interfere with competition among prospective contractors, reduce the quality of services or increase costs. The city manager will contact a minimum of three prospective contractors qualified to offer the services sought. The city manager will request an estimated fee, and make the selection consistent with the city's best interests. If three quotes are not received, the city manager will make a written record of efforts to obtain the quotes.

D. The city manager may enter personal service contracts not exceeding an estimated five thousand dollars ($5,000.00) without following the procedures under subsection A or B of this section. However, the city manager must make reasonable efforts to choose the most qualified contractor to meet the city's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.

E. The city manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. The city must make written finds to demonstrate why the proposed contractor is the only contractor who can perform the services desired.

F. The city manager may select a contractor without following any procedures when conditions require immediate action to protect life or property. In such instances, the city manager must make written declarations of the circumstances that justify the emergency appointments.
(Res. 05-006 § 1 (part))

1.10.030 Authority to electronically advertise solicitations for goods and services.

A. The city manager is authorized to develop an "electronic procurement system" in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the city to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the model rules allow procurement solicitations to be advertised exclusively on the internet. This saves the city time and money over newspaper advertisements.

B. Prior to any development of an electronic procurement system, the city may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.
(Res. 05-006 § 1 (part))

1.10.040 Authority to electronically advertise solicitations for public improvements.

A. For all public improvement contracts with an estimated cost not exceeding one hundred twenty-five thousand dollars ($125,000.00), the city manager may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the city time and money, may be used exclusively, and is allowed under ORS 279C.360(l).

B. An advertisement for a public improvement contract with an estimated cost over one hundred twenty-five thousand dollars ($125,000.00) must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.
(Res. 05-006 § 1 (part))

1.10.050 Small procurements.

A. As provided by ORS 279B.065, any procurement of goods or services not exceeding five thousand dollars ($5,000.00) may be awarded in any manner the city manager finds practical or convenient, including direct selection or award.

B. A small procurement contract may be amended in accordance with OAR 137-047-0800, but the cumulative amendments may not increase the total contract price to greater than six thousand dollars ($6,000.00).

C. A procurement may not be artificially divided or fragmented to qualify for this section.

(Res. 05-006 § 1 (part))

1.10.060 Sole-source procurements.

A. Pursuant to ORS 279B.075(l), the city manager is authorized to declare in writing certain goods and services to be available from only one source.

B. The determination of a sole source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.
(Res. 05-006 § 1 (part))

1.10.070 Notice of intent to award certain contracts.

A. At least seven days before the award of a public contract solicited under a traditional invitation to bid or request for proposals, the city will post or provide to each bidder or proposer notice of the city's intent to award a contract.

B. If stated in the solicitation document, the city may post this notice electronically or through nonelectronic means and require the bidder or proposer to determine the status of the city's intent.

C. As an alternative, the city may provide written notice to each bidder or proposer of the city's intent to award a contract. This written notice may be provided electronically or through nonelectronic means.

D. The city may give less than seven days notice of its intent to award a contract if the city determines in writing that seven days is impracticable as allowed by ORS 279B.135.

E. This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B.070, 279B.075, 279B.080 or 279B.085.

F. This section does not apply to any public improvement contract or class of public improvement contracts exempted from competitive bidding requirements.

G. A protest of the city's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.
(Res. 05-006 § 1 (part))

1.10.080 Procedure for surplus property.

A. Surplus property is property owned by the city such as, office furniture, computers, equipment, vehicles, excluding real property, the city manager determines is surplus and no longer useful to the city.

B. For surplus property deemed by the city manager to have a value of five thousand dollars ($5,000.00) or less, the city manager may authorize the property to be sold, to be donated, or to be destroyed. For surplus property deemed by the city manager to have a value of more than five thousand dollars ($5,000.00), the city council may authorize the property to be sold, to be donated, or to be destroyed.

C. Surplus property may be sold through the informal solicitation of bids or through an auction, including an online auction. The city manager has the discretion to advertise the sale of surplus property in a newspaper of city-wide circulation.

D. City employees may purchase surplus property, so long as at least three individuals or entities have bid on the property and the employee's bid is the highest bid.
(Res. 05-006 § 1 (part))

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

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2.08 Boards and Commissions Generally

2.12 Library Advisory Board

2.16 Parks and Recreation Board

2.20 City Records

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Chapter 2.04

ELECTIONS

Sections:

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2.04.012 Definitions.

Article II. Candidates

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2.04.021 Nomination petition or declaration of candidacy.
2.04.022 Petition or declaration contents.
2.04.023 Filing.
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2.04.025 Withdrawal of candidacy--Refund of filing fee.
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2.04.045 Withdrawal, adoption or election.
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Article I.

Introduction

2.04.010 State law applies.

As provided by City Charter Section 26, state elections laws apply to matters not regulated by this article. The city charter and this article prevail over any conflicting state laws.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.012 Definitions.

Words or phrases have the following meanings unless the context clearly requires a different meaning:

"Candidate" means an individual whose name appears or is expected to appear on an official ballot.

"City legislation" means an ordinance or proposed ordinance, or a proposed amendment, revision or repeal of the city charter.

"Elective city position" means the office of mayor or councilor.

"Elector" means an individual eligible under state and city law to vote in city election.

"Initiative" means proposed city legislation submitted to electors by a petition of qualified electors.

"Measure" means city legislation, or a proposition or question for city electors.

"Prospective petition" means information required for a completed petition, except for signatures and other identification of petition signers.

"Qualified elector" means an individual qualified to vote under Section 2, Article II, Oregon Constitution.

"Recorder" means the city recorder or authorized representative.

"Referendum" means city legislation submitted to electors by the council or by a petition of qualified electors, or a proposition or question submitted to city electors by the council.

"Regular election" means a city election held at the same time as a primary or general biennial election for electing federal, state or county officers.

"Special election" means a city election not held on the date of a regular election.

"Term of office" means the term of office of the last person elected to the office.
(Ord. 05-008 § 1 (Exh. A)(part))

Article II.

Candidates

2.04.020 Eligibility.

A qualified elector who has resided in the city during the twelve (12) months immediately preceding the election may be a candidate for an elective city position.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.021 Nomination petition or declaration of candidacy.

A. An eligible elector may become a candidate for an elective city position by filing a nomination petition or a declaration of candidacy in a form prescribed by the Secretary of State and available from the recorder.

B. A declaration of candidacy must be accompanied by the filing fee established by council resolution.

C. A nomination petition must contain signatures of not fewer than twenty (20) city-qualified electors as follows:

1. No elector may sign more than three petitions. If more than three are signed, the signature is valid only on the first three valid petitions filed;

2. The signatures need not all be attached to one paper, but each separate paper of the petition must be attached to an affidavit of the circulator showing the number of signers and stating that each signature is the genuine signature of the person;

3. Each signature must have next to it the signer's residence, by its street and number or other description;

4. The recorder must certify the signatures in the nomination petition for genuineness by comparing them and the other required information with the elector registration cards on file with the county clerk;

5. After the petition is filed with the recorder, the recorder has ten days to verify the signatures, and attach to the petition a certificate stating the number of signatures believed genuine.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.022 Petition or declaration contents.

A. A nomination petition or declaration of candidacy must contain:

1. The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in addition to the candidate's full name;

2. The residence address of the candidate;

3. The office or position number for which the candidate seeks nomination;

4. A statement that the candidate is willing to accept the office if elected;

5. A statement that the candidate will qualify if elected;

6. A statement of the candidate's occupation, educational and occupational background, and prior governmental experience; and

7. The signature of the candidate.

B. A declaration of candidacy must include a statement that the required fee is included with the declaration.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.023 Filing.

A. A nomination petition or declaration of candidacy must be filed with the recorder.

B. The recorder will date and time stamp immediately upon filing a nominating petition, declaration of candidacy, withdrawal or other document required to be filed.

C. A nomination petition or declaration of candidacy will be filed not sooner than the first day of January of the election year and not later than seventy-five (75) days before the election date.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.024 Deficient petitions.

If a nomination petition is not signed by the required number of qualified electors or the declaration of candidacy is not complete, the recorder will notify the candidate within five days after the filing. The recorder will return it immediately to the candidate, and state in writing how the petition is deficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed within the time requirements for filing petitions.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.025 Withdrawal of candidacy--Refund of filing fee.

A. A candidate who has filed a nomination petition or declaration of candidacy may withdraw not later than the sixty-seventh day before the election date by filing a statement of withdrawal with the recorder.

The withdrawal must be made under oath and state the reasons for the withdrawal.

B. If requested not later than sixty-seven (67) days before the election date, the recorder will refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.026 Certificate of nomination.

The recorder will certify the nominations to the county clerk in accordance with the time requirements of state law stating the offices and the terms of office for which the candidates are nominated.
(Ord. 05-008 § 1 (Exh. A)(part))

Article III.

Vacancies in Office

2.04.030 Vacancy in office.

A city elective office becomes vacant as provided by City Charter Section 31.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.032 Filling of vacancy.

A. Upon becoming aware of a vacancy in an elective office, the council must promptly determine and declare the date of vacancy.

B. A vacancy in an elective office must be filled as provided by City Charter Section 32.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.034 Appointment by council.

A. In filling a vacancy, the council may make inquiries and hold interviews as it considers necessary for the appointment. The appointment may be made at a regular or special council meeting.

B. The council will use the following procedures in the appointment process:

1. Public notice to appropriate neighborhood organizations, civic groups, a newspaper of general circulation and other recognized groups;

2. Deadline for submitting applications at least two weeks after the notice;

3. Appointment from those applicants nominated and seconded for consideration by members of the council. The recorder will announce the results of each ballot and will record each councilor's ballot. An applicant who receives a majority of the votes by the current council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the council will continue to vote on the two applicants who receive the most votes until an applicant

receives a majority of the councilors voting.
(Ord. 05-008 § 1 (Exh. A)(part))

Article IV.

Initiative and Referendum

2.04.040 Prospective petition.

A. Before circulating a petition proposing an initiative or referendum for city legislation, the chief petitioners must file a prospective petition with the recorder. The recorder will provide the form showing:

1. The signatures, printed names and mailing addresses of at least one and not more than three chief petitioners, all of whom must be city electors;

2. For initiative petitions, the text of the city legislation proposed for adoption, and, where applicable, the title, ordinance number, and charter or code section numbers proposed for amendment, revision or repeal;

3. For referendum petitions, the text of the city legislation proposed for referral, and where applicable, the title, ordinance number or code section numbers of the city legislation proposed for referral; and

4. Whether one or more persons will be paid for obtaining signatures on the petition.

B. The recorder must date and time stamp any prospective petition filed.

C. After the recorder determines that the prospective petition complies with this subchapter and state law, the recorder will certify to one of the chief petitioners that petitions may be circulated among the electors in accordance with Section 2.04.042 of this chapter.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.041 Ballot title--Appeal.

A. Prior to the end of the fifth business day after a prospective initiative petition is filed and meets all legal requirements, the recorder will review the text of the proposed initiative to determine if it complies with the single subject requirement and if it proposes city legislation.

B. If the proposed text does not meet the requirements of subsection A of this section, the recorder will notify the chief petitioner by certified mail, return receipt requested, that the prospective petition does not meet the single subject or city legislation requirement.

C. Any elector dissatisfied with the recorder's determination may file a petition for review in circuit court. The petition for review must be filed not later than the seventh business day after the written determination by the recorder.

D. If the proposed initiative meets the requirements of subsection A of this section or a referendum petition is certified for circulation, the recorder will send two copies of the prospective petition to the city attorney. The city attorney has five business days after receipt to prepare a ballot title for the proposed measure and an explanatory statement for the voter's pamphlet. The ballot title must conform to the requirements of state law.

1. The explanatory statement must consist of an impartial, simple and understandable statement of not more than five hundred (500) words explaining the measure and its effect.

2. After preparing the ballot title and explanatory statement, the city attorney will return one copy of the prospective petition, ballot title and explanatory statement to the recorder and one copy to one of the chief petitioners.

E. After receiving a ballot title and explanatory statement from the city attorney, the recorder must publish in a newspaper of general circulation in the city a notice of receipt of the ballot title. The notice must state that a city elector may file a petition for review of the ballot title not later than the date referred to in subsection F of this section.

F. After receiving the prospective petition, ballot title and explanatory statement from the city attorney, the recorder must write the date of receipt on it. Within seven business days after that date, any city elector may petition in circuit court to challenge the ballot title prepared by the city attorney. After the seven-day period, or following the final adjudication of any legal review, the recorder must certify the ballot title as prepared by the city attorney or as prescribed by the court to one of the chief petitioners.

G. Any city elector filing a petition of review with the circuit court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.

H. The procedures in subsections A through G of this section also apply to referendum measures. However, the completion of these procedures is not a prerequisite to the circulation of petitions for referendum measures under Section 2.04.042 of this chapter. Ballot titles need not be stated on petitions circulated to propose referendum measures.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.042 Petition and circulation requirements.

A. After the requirements of Section 2.04.040(C) are met for referendum petitions, and after the requirements of Section 2.04.041(F) of this chapter are met for initiative petitions, the chief petitioners may circulate a petition for the measure among city electors. The petition (cover sheet and signature sheet) must conform to the requirements of state law.

B. The petition identification number will be assigned by the recorder.

C. Each signature sheet of a referendum petition must contain the title, ordinance number or code section numbers of the city legislation proposed by referral and the date it was adopted by the council.

D. No signature sheet may be circulated by more than one person. Each signature sheet must contain a statement signed by the circulator that each elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such elector is a legal elector of the city and that the information placed on the sheet by each such elector is correct.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.043 Filing and percentage requirements--Verification.

A. The recorder will accept for signature verification only petitions that comply with the requirements of this subchapter and other applicable law.

B. No petition may be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by subsections G, H or I of this section.

C. No initiative petition may be accepted for signature verification more than six months after the date of the recorder's certification under Section 2.04.041(F) of this chapter.

D. Any petition to refer legislation adopted by the council must be submitted for signature verification not more than thirty (30) days after the council's adoption of the legislation.

E. An initiative or referendum petition may not be accepted for signature verification if it contains less than one hundred (100) percent of the required number of signatures.

F. Upon the acceptance of a petition, the recorder must verify the signatures. The verification may be performed by random sampling in a manner approved by the Secretary of State. Within thirty (30) days after the recorder's acceptance of a petition, the recorder must certify to the council whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to city electors. The recorder must state in the certificate the number of qualified signatures prescribed by subsections G, H or I of this section to require the proposed city legislation to be submitted to city electors. The petition is considered filed as of the date of the recorder's certification.

G. An initiative measure proposing the amendment, revision or repeal of the city charter will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds fifteen (15) percent of the total number of votes cast in the city for all candidates for governor at the last general election.

H. An initiative measure proposing the adoption, amendment or repeal of any other city legislation will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds fifteen (15) percent of the total number of votes cast in the city for all candidates for governor at the last general election.

I. A referendum measure will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds ten percent of the total number of votes cast in the city for all candidates for governor at the last general election.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.044 Measure referred by council.

A. The council may directly refer to the electors any ordinance or any proposed ordinance, property tax, bond or other proposition or question. It may also directly refer to the electors any proposed amendment, revision or the repeal of the city charter.

B. The city attorney will prepare a ballot title and explanatory statement that conforms to the requirements of state law. The council will certify and file the ballot title and explanatory statement with the recorder.

C. The recorder will publish in a newspaper of general circulation in the city a notice of receipt of the ballot title and explanatory statement including notice that an elector may file a petition for review of the ballot title not later than the date set in subsection D of this section.

D. Any elector may petition the circuit court to challenge the ballot title certified by the council. Such petition must be filed with the circuit court within seven business days of council filing of the ballot title. Any person filing a petition of review with the circuit court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.

E. A measure will be considered filed under this section as of the date the council delivers its certified ballot title to the recorder.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.045 Withdrawal, adoption or election.

A. The chief petitioners may withdraw a verified petition at any time before council action to adopt the proposed legislation or submit it to the electors. Any withdrawal must be either by written declaration or oral declaration made at a council meeting and entered in the minutes of that meeting.

B. Unless a petition is withdrawn, after receiving a certification from the recorder that a petition has sufficient signatures to require the proposed city legislation to be submitted to the electors under Section 2.04.043(F) of this chapter, the council may either adopt the proposed legislation by ordinance, or call an election to submit the legislation to the electors. The council may also call an election to submit matters to the electors upon referral under Section 2.04.044 of this chapter.

C. The council must call the election on the next election date available under state law that is not sooner than the ninetieth day after the date of the recorder's certificate of sufficient signatures. For a council referral, the election on the referendum of city legislation may be held on the next election date available under state law.
(Ord. 05-008 § 1 (Exh. A)(part))

2.04.046 Election notice and results.

A. Notice of elections on measures submitted to city electors on regular or special election dates must be given in accordance with state law.

B. Measures referred by the council will be designated on the ballot: "Referred to the Voters by the City Council."

C. Measures proposed by referendum petition will be designated on the ballot: "Referred by Petition."

D. Measures proposed by initiative petition will be designated on the ballot: "Proposed by Initiative Petition."

E. The recorder must certify the election results to the council at the first council meeting after the results are certified by the county clerk.

F. A measure adopted by the electors takes effect thirty (30) days after the election, unless such measure expressly provides a later effective date.
(Ord. 05-008 § 1 (Exh. A)(part))

Chapter 2.08

BOARDS AND COMMISSIONS GENERALLY

Sections:
2.08.010 Appointments.
2.08.020 Incumbents.

2.08.010 Appointments.

Except for replacing board and commission members who resign or are removed from office in mid-term, appointments to the planning commission, budget committee, parks advisory board and library advisory board shall be made in the month of March of each calendar year, and be effective on April 1st of each calendar year.
(Ord. 92-954 § 1)

2.08.020 Incumbents.

The terms of all incumbent board and commission members as of the effective date of the ordinance codified in this chapter shall be extended to March 31, 1993.
(Ord. 92-954 § 2)

Chapter 2.12

LIBRARY ADVISORY BOARD

Sections:
2.12.010 Board established.
2.12.020 Membership.
2.12.030 Terms of office.
2.12.040 Rules of order.
2.12.050 Staff assistance.

2.12.060 Duties and responsibilities.

2.12.010 Board established.

Library advisory board, hereinafter referred to as the "board," is established for the purposes of advising the city council and the city administration on library policies, planning, and management, and shall have the duties and responsibilities described in this chapter.
(Ord. 03-1142 § 1: Ord. 88-889 § 1)

2.12.020 Membership.

A. The board shall consist of nine voting members who shall be appointed by the mayor and with the consent of the city council. Board members serve at the pleasure of the city council and may be removed by the council in its sole discretion.

B. Eight of the board members shall be and remain during their terms, residents of the city of Sherwood. One member may be a non-resident of Sherwood, but must be a resident of both Washington County and the Sherwood Public Library service area as currently designated.

C. Members of the board shall serve without compensation except for reimbursement for duly authorized expenses.

D. The mayor, with the consent of the city council shall appoint a council representative to the board. The council representative shall be a non-voting member. The city council shall also appoint a high school representative as one of the nine voting members of the board. The term of office of the high school representative shall be for two years.
(Ord. 03-1142 § 2: Ord. 00-1089 § 1A; Ord. 88-889 § 2)

2.12.030 Terms of office.

A. The terms of office of board members shall be four years and members may be reappointed to serve two or more consecutive terms. Appointments to the board shall become effective on the date of the board's first regular meeting of each calendar year.

B. The nonvoting council representative to the board shall be appointed for a term coincident with the length of his or her term on the city council.

C. Upon resignation, permanent disqualification, or removal of any board member by the city council, a successor shall be appointed by the mayor, with the consent of the city council, to fill the remainder of that member's unexpired term. Board members missing three consecutive regular meetings, without the prior consent of the board, shall be disqualified and removed from office.
(Ord. 03-1142 § 3: Ord. 00-1089 § 1B; Ord. 88-889 § 3)

2.12.040 Rules of order.

A. The board shall elect a chairperson, vice-chairperson, secretary and any other officers from among its members at the board's first regular meeting in each calendar year.

B. Five members of the board shall constitute a quorum for the conduct of business.

C. The board shall act by a majority vote of the members present at a meeting, excluding members present but abstaining.

D. The board shall hold at least six meetings per calendar year and may hold other meetings as are necessary to perform its functions.

E. Before any meeting of the board, public notice shall be given as required by law and common practice. Minutes shall be taken of each meeting and filed with the city recorder.

F. The board may adopt rules of procedure to regulate the conduct of meetings. In the absence of such rules, proceedings of the board shall be conducted in accordance with the current edition of Robert's Rules of Order.
(Ord. 03-1142 § 4: Ord. 00-1089 § 1C; Ord. 91-926 § 1; Ord. 88-889 § 4)

2.12.050 Staff assistance.

The library staff may be assigned from time to time by the library director or the city manager, to advise and assist the board. However, the board shall not preempt any departmental or administrative prerogative as established by the City Charter, City Code of Ordinances, or the city council.
(Ord. 03-1142 § 5: Ord. 88-889 § 5)

2.12.060 Duties and responsibilities.

The board shall:

A. Evaluate community needs and resources on a regular basis and incorporate relevant findings into a statement of purpose guiding the provision of library services to the city.

B. Establish long-range plans, goals and objectives for the library and the improvement and maintenance of the library building.

C. Regularly review and advise the city council and city administration on specific programs and policies relative to library goals and objectives.

D. Promote public participation and awareness programs designed to increase the use of the city library.

E. Undertake additional responsibilities relative to the city library system as may be designated by the city council or requested by the city administration.

F. Advise on library rules, regulations and other matters relative to the city library.
(Ord. 03-1142 § 6: Ord. 00-1089 § 1D; Ord. 88-889 § 6)

Chapter 2.16

PARKS AND RECREATION BOARD

Sections:

2.16.010 Board established.
2.16.020 Membership.
2.16.030 Terms of office.
2.16.040 Rules of order.
2.16.050 Staff assistance.
2.16.060 Duties and responsibilities.

2.16.010 Board established.

A parks and recreation advisory board, hereinafter referred to as the "board," is established for the purposes of advising the city council and the city administration on parks and recreation policies, planning and management, and shall have the duties and responsibilities described in this chapter.
(Ord. 04-015 § 1 (Exh. A)(part): Ord. 814 § 1, 1985)

2.16.020 Membership.

A. The board shall consist of nine voting members appointed by the mayor with the consent of city council.

B. All voting members shall be and remain during their terms, residents of the city of Sherwood.

C. Members of the board shall serve without compensation except for reimbursement for duly authorized expenses.

D. The mayor, with the consent of the city council, shall appoint a council representative to the board, who shall be a nonvoting member thereof.
(Ord. 04-015 § 1 (Exh. A)(part): Ord. 01-1112 § 1(a); Ord. 99-1073 § 1(a); Ord. 814 § 2, 1985)

2.16.030 Terms of office.

A. Except as provided in subsection B of this section, board members shall serve two-year terms and may be reappointed at the close of their initial term to serve one additional two-year term if recommended by the board chair and council liaison and approved by the council. Members wishing to serve a third or subsequent term must re-apply and be considered along with other applicants. Each board member serves at the pleasure of the council and may be removed by council if the council, in the exercise of its discretion, deems that to be appropriate.

B. To provide for the orderly transition of board business, the four most senior members of the board will continue to serve until March, 2005 and the remaining five members will serve terms ending in March 2006. All appointments to the board made by the mayor from and after January 1, 2005 will be for a two-year term with terms ending in March; therefore, during even-numbered years, four members' terms will expire and during odd-numbered years, five board members' terms will expire. Members appointed as replacements in between full terms will fill the remainder of their predecessor's term and have the option to be

reappointed at the close of their initial term.

C. The nonvoting council representative to the board shall serve a two-year term and can be reappointed for a second two-year term by the mayor with the concurrence of council.

D. Upon resignation, disqualification or removal of any board member by the council, a successor shall be appointed to fill the remainder of the unexpired term. Board members missing three consecutive regular meetings, without the prior consent of the board, shall be disqualified and removed from office.
(Ord. 04-015 § 1 (Exh. A)(part): Ord. 01-1112 § 1(b); Ord. 99-1073 § 1(b); Ord. 814 § 3, 1985)

2.16.040 Rules of order.

A. At its first meeting following the March appointments each year, the board shall elect a chair and vice-chair and other officers deemed necessary for the effective conduct of board business.

B. Five members of the board shall constitute a quorum for the conduct of business.

C. The board shall act by a majority vote of the members present at a meeting, excluding members present but abstaining.

D. The board may adopt rules to regulate the conduct of meetings. In the absence of such rules, proceedings of the board shall be conducted in accordance with Robert's Rules of Order.
(Ord. 04-015 § 1 (Exh. A)(part): Ord. 01-1112 § 1(c); Ord. 99-1073 § 1(c); Ord. 92-955 § 1; Ord. 814 § 4, 1985)

2.16.050 Staff assistance.

The city manager may advise and assist the board when requested, and within the resources of the city staff, provided, however, that the board shall not preempt any departmental or administrative prerogative as established by the City Charter, City Code of Ordinances, or the city council.
(Ord. 04-015 § 1 (Exh. A)(part): Ord. 99-1073 § 1(d); Ord. 814 § 5, 1985)

2.16.060 Duties and responsibilities.

The board shall:

A. Recommend to council, community needs and resources on a regular basis and incorporate relevant finding into a proposed statement of purpose guiding the provision of parks and recreation services to the city;

B. Recommend to council long-range plans, goals and objectives for the acquisition and development of new city parklands and the improvement and maintenance of existing parks;

C. Develop and recommend to the city administration and city council annual budget appropriations supporting and prioritizing parks and recreation operational and capital programs;

D. Regularly review and advise the city council and city administration on specific programs and policies relative to parks and recreation goals and objectives;

E. Coordinate and/or review plans and activities undertaken by volunteer agencies and individuals that are directed toward the improvement of city parks, beautification of other areas of the city and organizing of recreation programs;

F. Provide for liaison between the city and corporate, civic, fraternal, nonprofit or other groups in the scheduling and conduct of community-wide events and activities;

G. Consider land use planning issues as they relate to parks, and use of landscaped areas and/or parks dedicated by new subdivisions and construction;

H. Implement public participation and awareness programs designed to combat vandalism and misuse of city parks, thoroughfares, public facilities, greenways and similar areas;

I. Undertake additional responsibilities relative to the city parks and recreation system as may be designated by the city council or requested by the city administration;

J. Act on parks rules and regulations, consider parks activity and use permits and undertake other matters relative to city parks and public areas;

K. The board shall meet with local sports organizations to identify needs and concerns and forward their findings and recommendations to council in time for council consideration during annual budget hearings.

(Ord. 04-015 § 1 (Exh. A)(part): Ord. 814 § 6, 1985)

Chapter 2.20

CITY RECORDS

Sections:

2.20.010 Records officer--Duties.
2.20.020 Records management program.

2.20.010 Records officer--Duties.

The city recorder is designated as the records officer for the city. The records officer shall have the duty:

A. To create, maintain, monitor and update the city-wide records retention schedule through coordination with the state archivist and department supervisors;

B. To create a records management manual providing for proper records handling, retention and storage for all city departments;

C. To review requests for new records equipment;

D. To assist in establishing storage facilities;

E. To keep updated on records law and procedures in order to implement required procedures and/or educate staff regarding record retention; and

F. Report to the State Archivist regarding the records management program as required.
(Ord. 92-942 § 1)

2.20.020 Records management program.

The city council meeting in duly and regularly constituted session, does find and determine that it is in the best interests of the city to have a records officer and records management program, and does, by this chapter, state such intent and election to do so participate in the records management program as defined by the State Archivist.
(Ord. 92-942 § 2)

Chapter 2.28

ABANDONED PROPERTY DISPOSITION

Sections:
2.28.010 Custody of property.
2.28.020 Surrender to true owner.
2.28.030 Sale of property.
2.28.040 Certificate of sale.
2.28.050 Dangerous or perishable property.
2.28.060 Scope.
2.28.070 Storage and preservation charges.
2.28.080 Disposal of property.

2.28.010 Custody of property.

Whenever any personal property other than a motor vehicle is taken into the custody of any department of the city by reason of its having been abandoned, found, seized, or for any other reason, such personal property shall be turned over to and held by the police department at the expense and risk of the owner or person lawfully entitled to possession thereof.
(Ord. 799 § 1, 1984)

2.28.020 Surrender to true owner.

Except when the property in question has been confiscated or is being held as evidence, the owner or person lawfully entitled to possession may reclaim it upon application to the police department. The department shall require satisfactory proof of ownership or right to possession, and the department shall further require payment of any charges and expenses incurred in the storage, preservation and custody of the property.
(Ord. 799 § 2, 1984)

2.28.030 Sale of property.

A. At any time after expiration of sixty (60) days from the time the property comes into the possession of the police department the chief of police may sell the property at public auction. He or she shall not sell any such property held in evidence in any court proceeding until the need for its use in that proceeding has passed. Notice of the sale shall be given once by publication in a newspaper of general circulation in the city at least ten days before the date of sale. The notice shall give the time and place of the sale and shall describe generally the property to be sold.

B. All sales of property under this chapter shall be for cash and shall be made to the highest and best bidder, provided, however, that any person appearing at or prior to the sale and proving ownership or right of possession to the property in question shall be entitled to reclaim it upon payment of the charges and expenses incurred by the city in the storage, preservation and custody of the property and a proportionate share of the costs of advertising for the sale.

C. If no bids are entered for the property, or if the highest bid is less than the costs incurred by the city, the chief of police may enter a bid on behalf of the city in an amount equal to such costs. If bid in by the city, the property shall become the property of the city as compensation for costs incurred.

D. The proceeds of the sale shall be applied first to payment of the costs of sale and any expenses incurred in preservation, storage and custody of the property, and any balance shall be credited to the general fund of the city.

E. The sale of property pursuant to this chapter shall be without right of redemption.

F. In lieu of the procedures set forth in subsections A through E of this section, the city police department may dispose of unclaimed property as defined in ORS 98.245(b) in the manner set forth in ORS 98.245(2).
(Ord. 98-1046 § 1; Ord. 799 § 1, 1984)

2.28.040 Certificate of sale.

At the time of payment of the purchase price of the property the chief of police shall sign a certificate of sale in duplicate, the original to be delivered to the purchaser and a copy to be kept on file in the office of the city recorder, which certificate shall contain the date of sale, the consideration paid, a brief description of the property, and a stipulation that the city does not warrant the condition of title of the property other than return of the purchase price in the event title should prove to be invalid. The certificate of sale shall be in substantially the form attached to the ordinance codified in this chapter and on file in the office of the city manager marked Exhibit A, and by this reference incorporated herein.
(Ord. 799 § 4, 1984)

2.28.050 Dangerous or perishable property.

The chief of police may order the destruction or other disposal of any property coming into his or her possession which is in his or her judgment dangerous or perishable.
(Ord. 799 § 5, 1984)

2.28.060 Scope.

This chapter shall apply to all personal property except motor vehicles now or hereafter in the custody of the city, weapons subject to ORS 166.280, property the disposition of which is subject to court order, and intangible personal property presumed abandoned pursuant to ORS 98.302 to 98.436.
(Ord. 98-1046 § 2; Ord. 799 § 6, 1984)

2.28.070 Storage and preservation charges.

The charges and expenses for storage, preservation and custody of property shall be five dollars ($5.00) per item plus one dollar ($1.00) per day that each item is in storage, provided that the total charge for each item shall not exceed twenty-five dollars ($25.00) for items valued under one hundred dollars ($100.00) or a total of fifty dollars ($50.00) for items valued one hundred dollars ($100.00) or over.
(Ord. 799 § 7, 1984)

2.28.080 Disposal of property.

If the chief of police by appraisal or other suitable means determines that the property is of a value of less than twenty-five dollars ($25.00) and is not suitable for sale pursuant to this chapter or remains unsold at auction, he or she may destroy or otherwise dispose of the property by donation of same to a charitable organization willing to accept the item.
(Ord. 799 § 8, 1984)

Chapter 2.32

ADMINISTRATIVE FEES AND CHARGES

Sections:
2.32.010 Authority to create administrative fees, rates and other charges.
2.32.020 Financial security.

2.32.010 Authority to create administrative fees, rates and other charges.

The council may establish a schedule of fees, rates and other charges together with procedures for their imposition and collection for matters deemed by the city to require oversight and/or administration by city staff, agents and/or consultants, including but not limited to outside engineers, attorneys and accountants. The schedule shall be kept in the city recorder's office and available to the public for review. It may be altered, amended or modified from time to time by resolution of the city council.
(Ord. 03-1150 § 1(part))

2.32.020 Financial security.

The city may require a person or entity subject to the payment of a fee, rate or charge established under the terms of SMC Section 2.23.010 to provide financial security (in a manner and form deemed appropriate by the city manager or his or her designee) so that the city is assured of payment of the fee, rate or other charge prior to completion of the event or task for which the fee, rate or charge is being imposed. The financial security may include (but is not limited to) the provision of a bond, promissory note, letter of credit or cash deposit by the affected person or entity. In the appropriate case, a fee, rate or other charge may also be made an

"assessment lien" on affected property in the city.
(Ord. 03-1150 § 1(part))

Chapter 2.36

PERSONNEL SYSTEM

Sections:

2.36.010 Title.
2.36.020 Purpose.
2.36.030 Adoption and amendment of rules.
2.36.040 Administration of the rules.

2.36.010 Title.

The title of the ordinance codified in this chapter shall be the personnel ordinance of the city of Sherwood.
(Ord. 02-1129 § 1 (part))

2.36.020 Purpose.

The ordinance codified in this chapter is adopted to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; and to assure that appointments and promotions of employees will be based on merit and fitness.
(Ord. 02-1129 § 2)

2.36.030 Adoption and amendment of rules.

An Employee Manual shall be adopted and amended by the city manager on an annual basis based on the policy decisions made by the city council; budget committee directives; state and federal legislation; general housekeeping, and the best business interest of the city of Sherwood. The manual shall provide means to recruit, select, develop and maintain an effective and responsive work force and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, discipline, discharge and other related activities. All appointments and promotions shall be made in accordance with the personnel rules without regard to race, color, religion, gender, national origin, age or disability, and shall be based on merit and fitness.
(Ord. 02-1129 § 3)

2.36.040 Administration of the rules.

The city manager shall be responsible for:

A. Administering all the provisions of this chapter and of the employee manual not specifically reserved to the city council or police chief, or otherwise addressed in labor or employment contracts.

B. Approving employee manual and revisions and amendments to such manual.

C. The police chief shall be responsible for administering the rules applicable to the police department.

(Ord. 02-1129 § 1 (part))

Chapter 2.38

EMERGENCY CODE

Sections:

2.38.010 Emergency authority.
2.38.020 Purpose.
2.38.030 Definitions.
2.38.040 Declaration of emergency.

2.38.010 Emergency authority.

This chapter may be referred to as the "Emergency Code."

(Ord. No. 2009-006, § 1, 6-16-2009)

2.38.020 Purpose.

This chapter is designed to provide direction for the city, its officials and others consistent with the city's Charter and ORS 401.305 to ORS 401.335 (2009) in the event an emergency or disaster exists within the city. The regulations are intended to reduce the risk of the city, its residents and the public at large to loss of life, injury to persons, damage to property or to the environment.

(Ord. No. 2009-006, § 1, 6-16-2009)

2.38.030 Definitions.

A. "City manager" or "manager" is that person designated by council to act as the administrative head of the city government and to exercise the authority under this chapter and Section 33 of the Charter. In the event the incumbent city manager is unavailable for any reason to exercise the authority under this chapter and Section 33 of the Charter, the individuals acting in the following positions shall be deemed city manager in the following order of succession:

1. Assistant city manager;

2. Public safety director;

3. Chief of police;

4. Public works director; and then

5. Community development director.

B. "Disaster" means an occurrence or threat of imminent widespread or severe damage, injury, loss

of life or property damage regardless of cause which in the determination of the city manager causes or will cause significant damage as to warrant disaster assistance from resources other than the city's to supplement the efforts and available city resources to alleviate the damage, loss, hardship or suffering caused.

C. "Emergency" means a human created or natural event or circumstance that causes or threatens widespread:

1. Loss of life;

2. Injury to persons or property;

3. Human suffering; or

4. Financial loss.

D. "State of emergency" means a situation meeting the definition of emergency and proclaimed in writing by the city manager. If the manager is unavailable to make the proclamation, it may then be made by the incident commander and confirmed in writing by a member of the city council in the following successive order:

1. The mayor; and if he/she is unavailable then by

2. The current president of the council; and if he/she is unavailable

3. Then successively through the council in the order of each member came on to the council. In the event the incumbent city manager is unavailable at the inception or during the course of the emergency, the person making the declaration shall have the authority to exercise the manager until such time as the council selects another person to act in that capacity.

(Ord. No. 2009-006, § 1, 6-16-2009)

2.38.040 Declaration of emergency.

A. A state of emergency exists when:

1. The situation requires a coordinated response beyond that which occurs routinely;

2. The required response cannot be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements; and

3. A written proclamation consistent with 01.030 has been made.

B. The declaration of emergency shall be:

1. In writing;

2. Designate the geographic boundaries in which the state of emergency exists; and

3. Shall fix the duration of time in which the state of emergency shall exist.

The declaration shall be effective for no longer than a two-week period but it may be extended for additional one-week increment(s) in the event that an emergency continues to exists and must be made prior to requesting resources through Washington County.

C. The city manager or the mayor shall have the power to request the governor declare a state of emergency within the city. The request must be submitted in writing through Washington County.

D. Once a state of emergency has been declared, the manager shall have authority to take such actions and issue such written orders as deemed by him/her to be necessary and prudent to protect the public's health and safety as well as to protect both private and public property within and without the city. The exercise of any authority herein shall be done so as to be consistent with the most current edition of the city's emergency management plan. Included, but not limited to, the actions and orders permitted above are the following:

1. Establishing curfew(s) for area(s) subject to the declaration, including hours of operation for businesses and other establishments;

2. Mandating the evacuation of residents and other individuals from structures or areas;

3. Prohibiting, or regulating the number of persons gathering or congregating on any public property or outdoor space within the area subject to the declaration;

4. Closing or restricting the use of public roads and streets within or leading to or from the area subject to the declaration;

5. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids and explosives;

6. Declaring and ordering the abatement of nuisances, including damaged structures;

7. Waiving or modifying rules governing purchasing, execution of contracts and authorizing expenditures;

8. Suspending or modifying personnel rules;

9. Imposing new fees, waiving or modifying fees;

10. Prohibiting or restricting the possession of weapons to the extent permitted by law;

11. Restricting or regulating commercial activity to the extent permitted by law.

E. The city manager shall terminate the state of emergency by written proclamation when the emergency no longer exists or when the threat of an emergency has passed.
(Ord. No. 2009-006, § 1, 6-16-2009)

Title 3

REVENUE AND FINANCE

Chapters:

3.04 Local Improvement Procedures

3.10 Measure 37 Claims Procedure

3.12 Monies Owed City

Chapter 3.04

LOCAL IMPROVEMENT PROCEDURES

Sections:

3.04.010 Definitions.
3.04.020 Description of real property.
3.04.030 Unknown owners, mistake in names of owners.
3.04.040 Council powers.
3.04.050 Formation of district, declaration of intention to make an improvement.
3.04.060 Notice.
3.04.070 Remonstrance.
3.04.080 Ordering improvement.
3.04.090 Bids.
3.04.100 Assessment.
3.04.110 Spreading assessment, liens.
3.04.120 Deficit assessments and excess assessments.
3.04.130 Reapportionment of assessments.
3.04.140 Abandonment of proceedings.
3.04.150 Curative provisions.
3.04.160 Filing of documents required.

3.04.010 Definitions.

As used in this chapter, (a) unless the context requires otherwise, the words used in this chapter shall have the meaning as defined in ORS 223.001; (b) the term "engineer" or "city engineer" means by the person or firm designated or engaged by the city to be in charge of engineering and related work for the city.
(Ord. 98-1045 § 1; Ord. 738 § 1, 1981)

3.04.020 Description of real property.

Real property may be described by giving the subdivision according to the United States survey when coincident with the boundaries thereof, or by lots, blocks and addition names, or by giving the boundaries thereof by metes and bounds, or by reference to the book and page of any public record of the county where the description may be found, or by designation of tax lot number referring to a record kept by the assessor of descriptions of real properties of the county, which record shall constitute a public record, or in such other manner as to cause the description to be capable of being made certain. Initial letters, abbreviations, figures,

fractions and exponents, to designate the township, range, section, or part of a section, or the number of any lot or block or part thereof, or any distance, course, bearing or direction, may be employed in any such description of real property.

Any description of real property which conforms substantially to the requirements of this section shall be a sufficient description in all proceedings of assessment for a special improvement district, foreclosure and sale of delinquent assessments, and in any other proceeding related to or connected with levying, collecting and enforcing special assessments for special benefits to such property.
(Ord. 738 § 2, 1981)

3.04.030 Unknown owners, mistake in names of owners.

If the owner of any land is unknown, such land may be assessed to "unknown owner" or "unknown owners." If the property is correctly described, no assessment shall be invalidated by a mistake in the name of the owner of the real property assessed or by the omission of the name of the owner or the entry of a name other than that of the true owner.

Where the name of the true owner, or the owner of record, of any parcel of real property is given, the assessment shall not be held invalid on account of any error or irregularity in the description if the description would be sufficient in a deed of conveyance from the owner, or is such that, in a suit to enforce a contract to convey employing such description a court of equity would hold it to be good and sufficient.
(Ord. 738 § 3, 1981)

3.04.040 Council powers.

Subject to the limitations provided by Chapter X of the Charter of the city, the city council, whenever it may deem it expedient, is authorized and empowered to order any improvement, to determine the character, kind and extent of the improvement to levy and collect an assessment upon all lots of land specially benefited by the improvement, and to determine what lands are specially benefited and the amount to which each lot is benefited, and to select a manner and method of assessment which the council finds has a reasonable relationship to the benefits derived by the property assessed.
(Ord. 98-1045 § 2; Ord. 738 § 4, 1981)

3.04.050 Formation of district, declaration of intention to make an improvement.

Whenever the city council shall deem it expedient or necessary to order any improvement, it shall require from the city engineer preliminary plans and specifications for the improvement and estimates of the work to be done and the probable cost thereof, together with a statement of the lots, parts of lots and parcels of land to be benefited and the percentage of the total cost of the improvement which each of such lots, parts of lots, and parcels of land should pay on account of the benefits to be derived. The recorder shall have such plans and specifications available for inspection. If the city council shall find such plans, specifications and estimates to be satisfactory, it shall approve the same and shall determine the boundaries of the district benefited and proposed to be assessed for such improvement. The city council shall, by resolution or ordinance, declare its intention to make such improvement, describing the probable total cost and also defining the boundaries of the assessment district to be benefited and assessed.

The action of the city council in creating such an assessment district, declaring its intention to make any improvement therein, directing the publication of notice approving and adopting the plans and specifications and estimates of the city engineer, and determining the district benefited and to be assessed, may all be done in one and the same resolution or enactment.
(Ord. 738 § 5, 1981)

3.04.060 Notice.

The resolution of the city council declaring its intention to make the proposed improvement shall be published at least twice in a newspaper of general circulation published in the city, provided that the first publication shall be not less than fifteen (15) days prior to the time when all persons interested may present their objections to the improvement. Such notice shall specify the time and place where the council will hear and consider objections or remonstrances to the proposed improvement by any parties aggrieved thereby.
(Ord. 738 § 6, 1981)

3.04.070 Remonstrance.

Within fifteen (15) days from the date of first publication of the notice required to be published in Section 3.04.060 of this chapter, the owners of sixty-five (65) percent or more in area of the property within the assessment district may make and file with the recorder written objections or remonstrances against the proposed improvement, and such objections or remonstrances shall be a bar to any further proceeding in the making of such improvement pursuant to this chapter for a period of one year, unless the owners of one-half or more of the property affected shall subsequently petition therefor. Further proceedings to make the improvement after expiration of the period of bar shall require republication of notice of intention to make the improvement and those reinstituted proceedings shall likewise be subject to bar by remonstrance pursuant to this section (Charter Chapter X).
(Ord. 98-1045 § 3: Ord. 738 § 7, 1981)

3.04.080 Ordering improvement.

If no such remonstrance as described in Section 3.04.070 of this chapter is made or filed with the recorder within the time designated, the city council shall be deemed to have acquired jurisdiction to order the improvements to be made, and the city council shall thereafter provide by ordinance for the making of such improvements, which shall substantially conform in all reasonable particulars to the plans and specifications previously adopted.
(Ord. 738 § 8, 1981)

3.04.090 Bids.

When any improvement is ordered, the city administrator or recorder, upon instructions from the city council, shall obtain from the engineer final plans and specifications for bidding and shall invite proposals for making the same. The contract shall be awarded to the lowest responsible bidder for either the whole of the improvement or such part as will not materially conflict with the completion of the remainder. The city council shall have the right to reject any or all proposals received. If all proposals shall be rejected, the city council shall have the power by resolution duly adopted to order that such improvement, or any portion thereof, may be made under the direction of the city council by purchasing the materials and hiring the labor.

The city council shall have the power to provide for the proper inspection and supervision of all work done and to do any other act to secure the faithful carrying out and the completion of all contracts, and the making of all improvements in strict compliance with the ordinances and specifications therefor, and shall have power to direct that the cost of the improvement or any portion thereof shall be paid for by the city generally.

The requirements of Oregon Revised Statutes Chapter 279, and Ordinance 94-993 (Chapter 2.24 of this code), insofar as applicable to the work proposed to be done in the city, shall govern the bidding, contracting and performance of the work, including prequalification of bidders, payment and performance bonds, and enforcement of the provisions thereof.
(Ord. 98-1045 § 4; Ord. 738 § 9, 1981)

3.04.100 Assessment.

Upon signing a contract or upon a determination by the city council to make the improvement under its own supervision by purchasing the material and hiring labor, or as soon thereafter as is reasonably convenient, the city council shall determine whether the property benefited shall bear all or a portion of the cost and shall direct the city engineer to apportion and assess the cost of making such improvement upon the lots, parts of lots, and parcels of land within the assessment district in accordance with the special and peculiar benefits derived by each lot, part of lot, and parcel of land.

The recorder shall cause to have mailed, or cause to have personally delivered to the owner of each lot proposed to be assessed, a notice of such proposed assessment, which notice shall state the amount of the assessment proposed on that property and shall state a date by which time objections shall be filed with the recorder. Such notice shall further require that any such objection shall state the grounds thereof. The city council shall consider the city engineer's estimates of assessments and all objections thereto filed with the recorder, and without any further notice may adopt, correct, modify or revise the proposed assessments, and shall determine the amount to be charged against each lot within the district according to the special and peculiar benefits accruing thereto from the improvement.

If there be no contract let for the accomplishment of the work, the total estimate of the city engineer shall be considered to be the contract price for the improvement district.

In any event, whether there be a contract price arising from a bona fide contract, or whether the estimate of the city engineer be used as hereinabove provided, there shall be added to said contract price the cost of right-of-way and expenses of condemning the land, all costs of engineering, superintendence, advertising, and legal expenses, and also any and all other necessary and proper expenses incurred, which additional amounts shall be and do become a part of the amounts to be assessed against each lot, part of lot, and parcel of land benefited by the improvement.
(Ord. 738 § 10, 1981)

3.04.110 Spreading assessment, liens.

The assessment as adopted by the city council against each lot or parcel of land shall be declared by ordinance and the recorder shall thereupon enter the same in the lien docket of the city, each improvement district estimate and assessment being maintained in a separate docket from other prior or subsequent estimates

and assessments. Assessments shall thereupon become a lien upon the property assessed from and after the passage of the ordinance spreading the same and entry in the appropriate city lien docket. The city may thereafter enforce collection of such assessments as provided by Oregon Revised Statutes, Sections 223.505 to 223.650.
(Ord. 738 § 11, 1981)

3.04.120 Deficit assessments and excess assessments.

If the initial assessment has been made on the basis of estimated cost and upon completion of the work the cost is found to be greater than the estimate, the city council may make a deficit assessment for the additional cost. Proposed assessments upon respective lots within the assessment district for the proportionate share of the deficit shall be made, and notices of such assessments shall be given as provided with respect to the original assessment as hereinabove set forth, and all objections filed with the city clerk within the time limited therefor shall be considered and determination of the deficit assessment against each particular lot, block or parcel of land shall be made as in the case of the initial assessment, and the deficit assessment with respect to each lot and block shall be finally determined by the city council and spread by ordinance as in the case of the initial assessment.

If assessments have been made on the basis of estimated cost and upon completion of the work the cost is found to be less than the estimate, the excess assessment shall be reapportioned and credited to each lot and block according to the manner in which the original assessment was computed.
(Ord. 738 § 12, 1981)

3.04.130 Reapportionment of assessments.

Property in single ownership at the time of the initial hearing at which the city acquires jurisdiction to perform a public improvement need not be divided by the city for the purpose of levying assessments except when the city receives actual notice of the division of ownership of such property prior to the enactment of the assessment ordinance. After an assessment has been levied upon contiguous property in single ownership as provided in this chapter, there shall be no division or reapportionment of the assessment lien except under the following procedure:

A. The owner of all or any portion of a parcel of contiguous land subject to a single assessment may make application to the city recorder for a division and reapportionment of the assessment; and such application shall contain a legal description of each parcel of land into which the property is proposed to be divided together with the name and address of each of the owners and other parties having an interest in such property.

B. After receipt of the application the city recorder shall mail notice to each owner and party having an interest in such property of the application and the date and time of the meeting of the city council at which the matter shall be considered, which meeting shall not be earlier than ten days from the mailing of written notice.

C. At or prior to the meeting of the city council at which the application will be considered the city administrator shall make a report and recommendation to the council for the apportioning of the assessment lien between portions of the property to be divided, describing the effect of such

division upon the security of the city.

D. At the designated meeting of the city council the applicant and any owner or party having an interest in such property may be heard, and the council may make a decision at such meeting, or the council may defer its decision to a meeting to be held within forty-five (45) days.

E. The council shall make no reapportionment of an assessment which will impair the security of the city for the collection of the assessments upon the property, and the council may impose conditions upon such reapportionment for the protection of the city.

F. A reapportionment of assessments shall become effective only after enactment of an ordinance declaring such reapportionment and provision for the amendment of the docket of city liens to conform with the ordinance.

(Ord. 782 § 2, 1982)

3.04.140 Abandonment of proceedings.

The city council shall have full power and authority to abandon and rescind proceedings for projects hereunder at any time prior to the final consummation of such proceedings, and if liens have been assessed upon any property under this procedure, they shall be cancelled and any payments made thereon shall be refunded to the payer, his or her assigns or legal representative.

(Ord. 738 § 13, 1981)

3.04.150 Curative provisions.

No assessment shall be invalid by reason of a failure to give in any report, in the proposed assessment, in the ordinance making the assessment, in the lien docket, or elsewhere in the proceedings, the name of the owner of any lot, tract or parcel of land, or the name of any person having a lien upon or interest therein, or by a mistake in the name of any such person having a lien upon or interest in the property, or by reason of any error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings or steps hereinbefore specified, unless it appears that reasonable notice has not been given of the hearing upon the proposed improvement or that the assessment as made, insofar as it affects the person complaining, is unfair and unjust, and the city council shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.

(Ord. 738 § 14, 1981)

3.04.160 Filing of documents required.

All official specifications, plans, bids, acceptances, copies of purchase orders, and other documents forming part of the "public improvement file" shall be maintained at all times in the office of the city recorder and be available for public inspection.

(Ord. 738 § 15, 1981)

Chapter 3.10

MEASURE 37 CLAIMS PROCEDURE

Sections:

3.10.010 Purpose.
3.10.020 Definitions.
3.10.030 Pre-filing conference.
3.10.040 Claim requirements.
3.10.050 Claim review process.
3.10.060 Conditions, revocation and transfer.
3.10.070 Waiver of claims.
3.10.080 Costs and attorney fees.
3.10.090 Availability of funds to pay claims.
3.10.100 Review of a decision.
3.10.110 Private cause of action.
3.10.120 Compensation by other.
3.10.130 Severability.
3.10.140 Applicable state law, no independent rights.

3.10.010 Purpose.

The purpose of this chapter is to accomplish the following regarding claims for compensation under ORS Chapter 197, as amended by Ballot Measure 37, adopted November 2, 2004:

> Process claims for compensation quickly, openly, thoroughly, and consistently with the law; enable present real property owners making claims for compensation to have an adequate and fair opportunity to present their claims to the City; provide the City with the factual and analytical information necessary to adequately and fairly consider claims for compensation, and take appropriate action under the alternatives provided by law; preserve and protect limited public funds; preserve and protect the interests of the community by providing for public input into the process of reviewing claims; and establish a record of decisions capable of withstanding legal review.

(Ord. 04-017 § 1 (part))

3.10.020 Definitions.

For purposes of this chapter, the following definitions apply:

"Appraisal" means a written statement prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the state of Oregon under ORS Chapter 674. For commercial or industrial property, the term "appraisal" also means a written statement prepared by an appraiser holding the MAI qualification and evidenced by written certificate.

"Ballot Measure 37" means the provisions added to ORS Chapter 197 by Ballot Measure 37 as approved by Oregon voters on November 2, 2004.

"City manager" means the city manager or designee.

"Claim" means the written demand for compensation made by an owner of real property in accordance with Ballot Measure 37 and this chapter.

Exceptions to Land Use Regulation. The following land use regulations are excluded from the application of this chapter:

1. A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law, and the criminal laws of Oregon and the city; See Appendix A to this chapter.

2. A regulation restricting or prohibiting activities for the protection of public health and safety such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;

3. A regulation required for compliance with federal law;

4. A regulation restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing; or

5. A regulation enacted prior to the date of acquisition of the real property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

"Family member" means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

"Land use regulation" means any city comprehensive plan, zoning ordinance, land division ordinance or transportation ordinance. A land use regulation does not include any land use regulation excepted from this chapter, any city system development charge, or any other city development fees or charges.

"Owner" means the present owner of real property that is the subject of the claim for compensation, or any interest therein. The owner must be a person who is the sole fee simple owner of the real property or all joint owners whose interests add up to a fee simple interest in property including all persons who represent all recorded interests in property, such as co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders.

"Property" means any private real property or interest therein. It includes only a single parcel or contiguous parcels in single ownership. It does not include any parcels that are under different ownerships, regardless of contiguity.

"Reduction in value" means the difference in the fair market value of the property before and after enactment, enforcement or application of a land use regulation as defined in this chapter.
(Ord. 04-017 § 1 (part))

3.10.030 Pre-filing conference.

See Appendix A of this chapter.
(Ord. 04-017 § 1 (part))

3.10.040 Claim requirements.

A. Form, Completeness and Review.

1. A claim must be submitted and accepted for filing only using the forms provided by the city manager. A claim must consist of all materials required by this chapter. A claim will not be considered filed under Ballot Measure 37 until the city accepts the claim after the requirements of this chapter are fulfilled by the owner of real property.

2. The city manager will conduct a completeness review within fifteen (15) days after submittal of the claim and will advise the owner in writing of any material remaining to be submitted. The owner must submit the material needed for completeness within thirty (30) days of the written notice that additional material is required. If the owner fails to provide the additional materials within the thirty (30) day period, the claim will not be accepted for filing.

3. The one hundred eighty (180) day period required before accrual of a cause of action for compensation in circuit court under Ballot Measure 37 begins on the date the city manager deems the claim complete, and accepts it for filing. The city manager will mark the date of completeness and filing on the claim form and provide a copy to the claimant.

4. The owner may request an extension for filing a complete claim. A request for an extension or continuance will be deemed a waiver of the beginning of the one hundred eighty (180) day period required before accrual of a cause of action for compensation.

B. Claim Requirements. A claim will not be accepted for filing without all of the following information:

1. Fee. An application fee must be paid in advance of acceptance for filing to cover the costs of completeness review and claim processing. This fee will be established by city council resolution.

2. Claim Form. A completed claim on a form provided by the city manager.

3. Identification of Owner and Other Interest Holders. The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each.

4. Property Description. The address, tax lot number, and legal description of the real property that is the subject of the claim.

5. Nearby Property Owner Information. The names and addresses of all owners of property within three hundred (300) feet of the property, as listed on the most recent property tax assessment roll where such property is located.

6. Listing of Nearby Owned Property. Identification of any other property owned by the owner

within three hundred (300) feet of the boundary of the claim property.

7. Title Report. A title report demonstrating the title history, the date the owner acquired ownership of the property, and the ownership interests of all owners. The title report must also specify any restrictions on use of the property unrelated to the land use regulation including, but not limited to, any restrictions established by covenants, conditions and restrictions (CC&Rs), other private restrictions, or other regulations, easements or contracts.

8. Copy of Existing Regulation. A copy of the land use regulation that the owner making the claim believes restricts the use of the property, or interest therein, and that the owner believes has had the effect of reducing the fair market value of the property, including the date the owner claims the land use regulation was first enacted, enforced, or applied to the property.

9. Copy of Prior Regulations. A copy of the land use regulation in existence, and applicable to the property, when the owner became the owner of the property, and a copy of the land use regulation in existence immediately before the regulation that was enacted or enforced or applied to the property, that the owner claims restricts the use of the property and, the owner claims, caused a reduction in fair market value due to the regulation described in subsection (B)(8) of this section being more restrictive.

10. Appraisals. A written appraisal by an appraiser, qualified as such in the state of Oregon, stating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after enactment, enforcement or application of the land use regulation described in subsection (B)(8) of this section, and explaining the rationale and factors leading to that conclusion. If the claim is for more than ten thousand dollars ($10,000.00), copies of two appraisals by different appraisers must be included.

11. Narrative. See Appendix A of this chapter.

12. Statement Regarding Exceptions. See Appendix A of this chapter.

13. Owner Statement. A statement by the owner explaining the effect a modification, removal or nonapplication of the land use regulation would have on the potential development of the property, and stating the most extensive development the owner believes would be permitted on the property if the identified land use regulation were modified, removed or not applied.

14. Copies of Documents. Copies of any land use actions, development applications or other applications for permits previously filed in connection with the property and the action taken. City "enforcement" or "application" of the land use regulation is a prerequisite to making a Measure 37 claim must be described and identified by the claimant.

15. Site Plan and Drawings. A copy of the site plan and drawings in a legible eight and one-half by eleven (11) inch format that relate to the proposed use of the property if the land use regulation is modified, removed or not applied.

16. Statement of Relief Sought. A statement of the relief sought by the owner.

(Ord. 04-017 § 1 (part))

3.10.050 Claim review process.

A. The city manager will assess any claim for compensation and make a recommendation to the city council on the disposition of the claim. The recommendation will state that the claim be:

1. Denied;

2. Investigated further;

3. Declared valid, in which case the recommendation will further state whether the land use regulation at issue should be removed, waived or modified, or that the claimant should be compensated; or

4. Evaluated in another manner not inconsistent with this chapter or Ballot Measure 37, including possible city condemnation of the property.

B. The city council will conduct a public hearing before taking final action on a recommendation from the city manager.

C. Notice of the public hearing will be provided to the claimant and to all record owners of the subject property, and to all owners of property within three hundred (300) feet of the subject property. Additional notice may be sent to the Oregon Department of Land Conservation and Development, Metro and such others as the city may designate.

D. The notice will state the date, time and location of the hearing and will be sent no later than ten days before the hearing. The notice will describe the hearing process, and will state how evidence may be submitted.

E. After the conclusion of the public hearing, and no later than one hundred eighty (180) days from the date the claim was filed, the city council will:

1. Determine that the claim does not meet the requirements of this chapter and Ballot Measure 37, and deny the claim; or

2. Adopt an order with appropriate findings that supports a determination that the claim is valid and directs that the claimant be compensated in an amount set forth in the order, or remove, waive or modify the challenged land use regulation as applied to the subject property.

F. The city council's decision to remove, waive or modify a land use regulation or to compensate the claimant will be based on whether the public interest would be better served by compensating the owner, or by removing, waiving or modifying a land use regulation with respect to the subject property; or any other factors deemed relevant by the city council.

G. If the city council removes, waives or modifies a land use regulation, it may apply the land use

regulations in effect at the time the claimant acquired the property.

H. The owner will bear the burden of proof relating to the claim, the devaluation of the owner's property and the owner's entitlement to just compensation. The standard of proof will be by a preponderance of the evidence.

I. A copy of the city council order will be sent by mail to the owner and to each individual or entity that participated in the city council review process if the city was provided with a mailing address.

J. The city council may establish by resolution additional procedures related to the processing of Ballot Measure 37 claims.
(Ord. 04-017 § 1 (part))

3.10.060 Conditions, revocation and transfer.

A. The city council may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under this chapter.

B. Failure to comply with any condition of approval is grounds for revocation of the approval of the compensation for the claim, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this chapter.

C. If the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval, the city may institute a revocation or modification proceeding before the city council under the same process for city council review of a claim under this chapter.

D. Unless otherwise stated in the city's decision, any action taken under this chapter runs with the property and is transferred with ownership of the property. All conditions, time limits or other restrictions imposed with approval of a claim will bind all subsequent owners of the subject property.

E. A land use regulation waived under this chapter will create a Measure 37 nonconforming use, or a nonconforming structure, as appropriate, on the property benefiting from the waiver, which is defined separately from any nonconforming uses in Title 16 of this code. All valid claims and subsequent waivers shall be recorded with the property.
(Ord. 04-017 § 1 (part))

3.10.070 Waiver of claims.

See Appendix A of this chapter.
(Ord. 04-017 § 1 (part))

3.10.080 Costs and attorney fees.

If an owner commences an action to collect compensation and the city prevails, the city is entitled to all fees and costs it incurred, as well as any sum that a court, including any appellate court, may deem reasonable as attorney's fees.

(Ord. 04-017 § 1 (part))

3.10.090 Availability of funds to pay claims.

Compensation can only be paid based on the availability and appropriation of funds for this purpose.
(Ord. 04-017 § 1 (part))

3.10.100 Review of a decision.

A writ of review under ORS 34.010 to 34.102 is the exclusive means to contest a final decision of the city council under Section 3.10.050, and must be filed within sixty (60) days of the notice provided under Section 3.10.050 of this chapter. The owner of the real property that is the subject of the claim under this chapter is a necessary party in such a proceeding.
(Ord. 04-017 § 1 (part))

3.10.110 Private cause of action.

See Appendix A of this chapter.
(Ord. 04-017 § 1 (part))

3.10.120 Compensation by other.

An individual or entity other than the city may compensate the claimant for any diminution in value established under this chapter, in lieu of the city removing, modifying or waiving the land use regulation causing the diminution. A contract between the city, the claimant, and the individual or entity providing the compensation is a condition precedent to compensating a claimant under this subsection, and must be approved by the city attorney.
(Ord. 04-017 § 1 (part))

3.10.130 Severability.

If any phrase, clause, or other part or parts of this chapter are found invalid by a court of competent jurisdiction, the remaining phrases, clauses and other part or parts will remain in full force and effect.
(Ord. 04-017 § 1 (part))

3.10.140 Applicable state law, no independent rights.

For all claims filed, the applicable state law is those portions of ORS Chapter 197 added by Ballot Measure 37, or as amended, modified or clarified by subsequent amendments or rules adopted by the Oregon Legislature or Oregon Administrative Agencies. Any claim that has not been processed completely under this chapter will be subject to any such amendments, modifications, clarifications or other state actions. This chapter is adopted solely to address claims filed under the ORS Chapter 197 provisions added by Ballot Measure 37. This chapter does not create any rights independent of those provisions.
(Ord. 04-017 § 1 (part))

Appendix A

Measure 37 Claims Ordinance
Possible Additions

The following provisions are identified as provisions the City Council may wish to consider adding to its Claims Ordinance.

They are identified in the proposed ordinance as "See Appendix A."

1. 3.10.020(4)(a) - Definition of Nuisances

As written, this provision is consistent with Measure 37's exception for regulations prohibiting common law nuisances. Additional language could include a reference to any city nuisance ordinances. The risk is that some city ordinances may arguably classify as nuisance activities beyond those deemed nuisances under the common law. The ordinance provision could be re-written to state:

> A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law, including Sherwood Municipal Code chapter 9.44, as amended from time to time, and the criminal laws of Oregon and the City.

2. 3.10.030 - Pre-filing Conference

The following language would require a pre-filing conference, unless exempted by the City Administrator. This is akin to a pre-application conference in the land use context.

> (1) Before submitting a claim for compensation, the owner must schedule and attend a pre-filing conference with the manager to discuss the claim. The pre-filing conference will follow the procedure set forth by the manager and may include a filing fee and notice to neighbors, other organizations and agencies. The filing fee will be set by city council resolution.
>
> (2) To schedule a pre-filing conference, the owner must contact the manager and pay the appropriate conference fee. The pre-filing conference is for the owner to provide a summary of the owner's claim to the manager, and for the manager to provide information to the owner about regulations that may affect the claim. The manager may provide the owner with a written summary of the pre-filing conference within 10 days after it is held.
>
> (3) The manager is not authorized to settle any claim at a pre-filing conference. Any omission or failure by staff to recite to an owner all relevant applicable regulations will not constitute a waiver or admission by the City.
>
> (4) A pre-filing conference is valid for six months from the date it is held. If no claim is filed within six months of the conference, the owner must schedule and attend another conference before the City will accept a claim for filing. The manager may waive the pre-filing requirements if, in the manager's opinion, a pre-filing conference would serve no purpose.

3. 3.10.040 -- Claim Requirements

The following subsections would require the claimant to submit with the claim a narrative regarding the property's history and would require the claimant to explain why the challenged land use regulation is exempt under Measure 37.

(i) *Narrative.* The owner must provide a narrative describing the history of the owner and any family member's ownership of the property, the history of land use regulations applicable to the claim, and how the enactment, enforcement or application of the land use regulation restricts the use of the property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein.

(j) *Statement Regarding Exceptions.* A statement by the owner making the claim of why the following Ballot Measure 37 exceptions do not apply:

1. Commonly and historically recognized public nuisances under common law;

2. Protection of public health and safety;

3. Regulations required under federal law;

4. Use of property for the purpose of selling pornography or performing nude dancing; or

5. The subject land use regulation was enacted prior to the date of the acquisition of the property by the owner, or prior to acquisition by a family member of the owner who owned the subject property prior to the acquisition or inheritance by the owner [if "family member" status is claimed it must also be addressed in the title report required by item (h) above].

Chapter 3.12

MONIES OWED CITY

Sections:

3.12.010 Definitions.
3.12.015 Authority to withhold or deny issuance.
3.12.020 Appeal of denial--Hearing before city manager--Appeal of city manager's decision.

3.12.010 Definitions.

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

"Activity or enterprise" means and includes all conduct or activity for gain or otherwise conducted by an applicant or any enterprise or undertaking for gain or otherwise.

"Applicant" means and 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.

"City" means the city of Sherwood.

"City finance director" means and includes the director and any designate other than the city manager.

"City manager" means and includes the city manager or the city manager's designate.

"Permit" means and 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.
(Ord. 08-005 § 1 (Exh. A)(part))

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.
(Ord. 08-005 § 1 (Exh. A)(part))

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 Section 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:

1. Information identifying the applicant (i.e., name and address);

2. Telephone number;

3. The type of permit at issue and the action (revocation--suspension--denial) taken by the city;

4. A copy of the written determination described in Section 3.12.015; and

5. Reason(s) why the city's action is unlawful or otherwise inappropriate.

C. Within ten 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.
(Ord. 08-005 § 1 (Exh. A)(part))

Title 4

CITY TELECOMMUNICATIONS UTILITY

Chapters:

4.04 City Telecommunications Utility

Chapter 4.04

CITY TELECOMMUNICATIONS UTILITY

Sections:

4.04.010 Definitions.
4.04.020 Utility creation.
4.04.030 Operations.
4.04.040 Advisory board.
4.04.050 Membership.
4.04.060 Terms of office.
4.04.070 Board organization.
4.04.080 Staff assistance.
4.04.090 Board duties.

4.04.010 Definitions.

(Ord. 05-007 § 1 (part))

4.04.020 Utility creation.

The city of Sherwood telecommunications utility is created. It will be known as the Sherwood broadband. The city council will serve as the broadband governing body and by resolution may adopt rules for its operations.
(Ord. 05-007 § 1 (part))

4.04.030 Operations.

A. Broadband will operate as a department of the city under the administrative authority of the city manager. Broadband revenues and expenditures will be accounted for within the telecommunications fund of the city budget.

B. Rates for basic residential and business data and content services will be set by council resolution. Rates for specialized services, deposits, late fees and penalties may be set by the city manager. Rates for out of city customers may include a return on capital investment for the city.

C. Broadband will comply with city regulations on similar franchised utilities, including the payment of a fee in lieu of franchise fees of up to five percent as set by council resolution.

D. Broadband may provide services to customers outside of city boundaries.

E. Broadband may provide services directly to customers or indirectly provide services through contracts.
(Ord. 05-007 § 1 (part))

4.04.040 Advisory board.

A broadband advisory board (board) is created to make recommendations to the city council and the city manager on broadband policies, planning and services, and to perform other duties assigned by the city council.
(Ord. 05-007 § 1 (part))

4.04.050 Membership.

A. The board consists of seven voting members appointed by the mayor with the consent of the city council. Board members serve at the pleasure of the city council and may be removed in its sole discretion.

B. At least three board members will be residents of the city. At least three other board members will be owners or employees of businesses or institutions located within the city.

C. Board members serve without compensation except for reimbursement for authorized expenses.

D. With city council consent, the mayor will appoint a council representative to the board. The council representative will be a nonvoting member.
(Ord. 05-007 § 1 (part))

4.04.060 Terms of office.

A. Board members will serve two year terms, and members may be reappointed to serve two consecutive terms.

B. The council representative will be appointed for a board term equal to the length of the representative's term on the city council.

C. Upon resignation, disqualification, or removal of any board member by the city council, a successor will be appointed by the mayor with the consent of the city council to fill the remainder of the unexpired term. Board members who miss three consecutive regular meetings will be disqualified and removed from office.
(Ord. 05-007 § 1 (part))

4.04.070 Board organization.

A. The board will elect a chair, vice-chair and secretary from among its members at the board's first regular meeting of each fiscal year.

B. Four members of the board constitute a quorum for the conduct of business.

C. The board will act by a majority vote of the members present at a meeting.

D. The board will hold at least six meetings each fiscal year and may hold other meetings as necessary to perform its duties.

E. Before any meeting of the board, public notice must be given as required by law. Minutes must be taken for each meeting and filed with the city recorder.

F. The board may adopt bylaws to regulate the conduct at its meetings. In the absence of bylaws, board meetings will be conducted in accordance with the current edition of Robert's Rules of Order.
(Ord. 05-007 § 1 (part))

4.04.080 Staff assistance.

City staff may be assigned from time to time by the city manager to advise and assist the board. However, the board may not direct the assignment or activities of city staff.
(Ord. 05-007 § 1 (part))

4.04.090 Board duties.

The board will:

A. Establish long-range plans, goals and objectives for broadband and the improvement and maintenance of city telecommunications services;

B. Evaluate community needs and resources on a regular basis and incorporate relevant findings into a statement of purpose guiding the provision of city telecommunications services;

C. Regularly review and advise the city council and city manager on specific services and practices as they relate to broadband goals and objectives;

D. Promote public participation and awareness programs designed to increase the use of broadband;

E. Undertake additional responsibilities relative to broadband as requested by the city council or city manager.
(Ord. 05-007 § 1 (part))

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 Business Licenses, Regulations and Recycling

5.08 Amusement Games

5.12 Bingo, Lotto and Raffle Games

5.20 Liquor Establishments

5.24 Taxicabs

5.28 Process and Fees for Liquor Licenses

Chapter 5.04

BUSINESS LICENSES, REGULATIONS AND RECYCLING*

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* **Editors Note:** Ord. No. 2009-001, § 2, adopted March 17, 2009, amended the Code by changing the title of Ch. 5.04.

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Sections:

5.04.010 Definitions.
5.04.020 Purpose.
5.04.030 License required--Exemptions.
5.04.040 License fees.
5.04.050 Application requirements--Initial issue.
5.04.060 Application requirements--Renewal.
5.04.070 Criteria for approval or denial.
5.04.080 Temporary business license.
5.04.090 Business Recycling.

5.04.010 Definitions.

As used in this chapter:

"Business" means an activity carried on by a person predominately for economic profit or livelihood in the city. Any person who advertises or otherwise represents themselves to the public as engaged in business is presumed to be so engaged.

"City" means the city of Sherwood, Oregon.

"Contractor" has meaning under ORS 701.005.

"Employee" means a natural person working for or on behalf of a business in exchange for compensation.

"Full-time" means any employee working for or on behalf of a business at least twenty (20) hours per week.

"Landscape contractor" has meaning given under ORS 701.015(6)(c).

"Person" means and includes individuals, corporations, unincorporated associations, partnerships and societies, whether or not for profit.
(Ord. 08-001 § 1 (part))

5.04.020 Purpose.

A. This privilege tax program established herein is purely for the provision of tax revenue only and is nonregulatory.

B. The privilege tax authorized by this chapter is independent of and separate from other tax, license or permit fee(s) authorized and imposed by the city or other public entity. Any person or entity engaged in an activity or conduct subject to the regulatory provisions of the city shall be liable for the payment of any taxes, fees or costs provided for under the provisions of those regulations.
(Ord. 08-001 § 1 (part))

5.04.030 License required--Exemptions.

A. Unless otherwise exempt under the provisions of subsection B of this section, it is unlawful for a person to conduct business within the city without first having obtained a license pursuant to this chapter.

B. Exemptions. The provisions of this chapter shall not apply to:

1. Any organization licensed under Oregon's Charitable Trust and Corporation Act (ORS 128.610 to 128.750) conducting a business in the city as a means to raise funds for said organization's charitable, religious eleemosynary or fraternal purposes.

2. Producers of farm products raised in Oregon, produced by themselves or their immediate families and sold in the city by themselves or their immediate families.

3. A contractor or landscape contractor as defined under ORS 701.005, who possesses a contractor's license issued by the Metropolitan Service District and:

    a. Whose place of business in not located in the city; or

    b. Who earns less than two hundred fifty thousand dollars ($250,000.00) in gross revenues from business conducted in the city.

(Ord. 08-001 § 1 (part))

5.04.040 License fees.

A. Upon application for a license under this chapter, a privilege tax shall be paid the city as the same may be established by council resolution. The privilege tax shall be composed of two parts: a basic amount and an additional increment based on the number of full-time employee(s) of the business, which increment may include a cap.

B. The amount imposed for any privilege tax or fee as a result of the terms of this chapter shall be established and adjusted as necessary by city council resolution.

C. The license issued under this chapter shall be valid for three hundred sixty-five (365) days from date of issuance.

D. If a person operates a business in the city in more than one location, each location is considered a separate business for purposes of this chapter and licensure and tax.

E. A business or service operated under concession or leased on the same premises, when the business is owned in whole or in part by a different person(s) shall be separately charged.

F. If a business changes its name but continues to be owned by the same persons or entity, the name change shall be made to the city's license records for a fee set by resolution.

G. If ownership of a business changes, though continuing with a same or different name, the new owner(s) shall obtain a business license and pay the appropriate tax.
(Ord. 08-001 § 1 (part))

5.04.050 Application requirements--Initial issue.

Application for the issuance of a license shall be made prior to engaging in business in the city. Each business shall complete and submit an application to the city on forms provided by the city for that purpose. Business license applications shall be accompanied by payment of the appropriate tax. An application without concurrent payment of the privilege tax shall be deemed to be incomplete and shall not be accepted. The application for licensure shall contain the following:

A. Name of business;

B. Street and mailing addresses of business;

C. Business owner or operator's name and title;

D. Name of property owner on which business is located;

E. A description of the business; and

F. Payment of the appropriate tax.
(Ord. 08-001 § 1 (part))

5.04.060 Application requirements--Renewal.

A. Application for license renewal shall be made prior to a license's expiration and be made on forms supplied by the city.

B. Persons filing late applications for license renewal shall pay, in addition to the application fee, a late fee in an amount set by council resolution.
(Ord. 08-001 § 1 (part))

5.04.070 Criteria for approval or denial.

Any false or incomplete statement (including failure to pay in full any and all pertinent taxes and/or fee) made on an application or renewal for a business license is grounds for denial of the license authorized by this chapter.
(Ord. 08-001 § 1 (part))

5.04.080 Temporary business license.

Any person conducting a business within the city which is not domiciled nor otherwise permanently located in the city but is conducting business within the city for a period thirty (30) days or less annually shall apply for and receive a temporary business license and shall pay the license fee for such temporary business as may be established by council.
(Ord. 08-001 § 1 (part))

5.04.090 Business Recycling.

A. All businesses required to have a City of Sherwood Business License shall recycle as follows:

1. Businesses shall source separate from the waste stream all paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans;

2. Businesses and business recycling service customers shall provide recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and

3. Businesses and business recycling service customers shall post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source separate and that provide recycling instructions.

B. A business may seek an exemption from the requirements in subsection A if:

1. The business provides access to the City or designated agent for a site visit; and

2. The city or designated agent determines during the site visit that the business cannot comply with the business recycling requirement because of space or economic restrictions or other

extenuating circumstances.

C. To assist businesses in compliance with this section, the city or designated agent shall:

1. Notify businesses of the business recycling requirement at the time application is made for a business license;

2. Provide businesses with education and technical assistance to assist with meeting the requirements of this section; and

3. The city's business license procedures shall include provisions requiring that the business shall certify that they have complied with the requirements of this section upon signing the business license application and the business shall also certify upon renewal of the business license that they have complied with the requirements of this section.

D. A business that does not comply with the business recycling requirement may receive a written notice of noncompliance. The notice shall describe:

1. The violation.

2. How the business or business recycling service customer can cure the violation within the time specified in the notice, and

3. An offer of assistance with compliance.

E. A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide:

1. An additional opportunity to cure the violation within the time specified on the citation, and

2. Notification to the business or business recycling service customer that it may be subject to a fine.

F. A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may be subject to a fine.

G. Enforcement and remedies.

1. Purpose. This chapter is to ensure all business recycling activity taking place in the city conforms to the applicable provisions of the Sherwood Municipal Code (SMC) as well as rules and regulations of METRO. lt does this by providing the city manager (or their designate) with authority to impose civil penalties and take such remedial action(s) as are deemed reasonable and necessary by the city manager to effect compliance with the SMC or METRO rule or regulation.

2. Responsible officer. The city manager or their designate are authorized to enforce the provisions of this chapter. That person(s) has authority to investigate complaints and conduct inspection(s)

deemed necessary to ensure compliance with the terms of the SMC, METRO rules and regulations.

3. Violation. No person shall allow, suffer or permit any activity associated with the business recycling program located in the city to occur without said activity conforming to the requirements imposed by the SMC and/or METRO rules and regulations on that activity and consistent with the terms of the business license lawfully issued by an appropriate authority for said activity.

4. Non-exclusivity. This chapter is in addition to any other right or remedy afforded the city as may be provided elsewhere in the city code or as allowed under state or federal law to enforce the terms of its code and other regulation(s) including right(s) or remedy to summarily abate condition(s) on property within or without the city which threaten to or cause an imminent public health hazard in the city.

5. Separate violations. Each violation of a separate provision of the SMC, METRO rule or regulation or business license term or condition over which the city has jurisdiction may be treated as a separate violation and each day a violation is committed, is allowed or suffered to continue may also be deemed a separate violation.

6. Notice of violation--Service.

    a. If a violation is determined to exist, the city manager will deliver or cause to be delivered notice of the violation to the owner(s) of the business and/or such other person(s) as the city manager reasonably believes is "a person in charge" of the business and/or violation. A "person in charge of the business" is one who has access to and/or control over the business.

    b. Notice shall be accomplished by either personal service or by certified first class mail, return receipt requested. Notice may also be posted on the property or in any manner or combination of manners which under all the circumstances is most reasonably calculated to apprise the person(s) of the existence of the violation and pendency of the notice.

    c. The notice shall contain, at a minimum, the following:

        i. Location and nature of the violation:

        ii. The provision or provision(s) of this code or other regulation(s) or permit term(s) over which the city has jurisdiction that have been violated;

        iii. Whether the manager is seeking imposition of civil penalties and if so, the amount and the reasons supporting imposition thereof consistent with the reasons set out in SMC Section 5.0a.090(G)(8);

        iv. The effective date of the notice;

v. The existence of a right to appeal the notice of violation and, if applicable, the imposition and/or amount of any civil penalty or other cost sought by the city manager consistent with SMC Section 5.04.090(G)(7); and

vi. That failure to appeal any civil penalty or other cost sought by the city may result in the revocation of the business license until said civil penalty or cost is paid.

d. A defect in the notice neither affects the validity thereof nor its enforceability.

7. Appeals.

a. Any person entitled to notice under Section 5.04.090(G)(6) may appeal the notice by filing an appeal with the municipal court. Any appeal must be filed not later than ten working days after the effective date of the notice or order. The appeal must be in writing and contain, at a minimum information on the following:

i. A heading entitled: "Before the Municipal Court for the City of Shenvood, Oregon."

ii. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the property involved in the notice.

iii. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested notice or action should be reversed, modified or otherwise set aside.

iv. The signatures of all parties named as appellants and their official mailing addresses and telephone numbers.

b. The municipal court shall schedule a hearing on the appeal as soon as is reasonably possible, but in no event later than thirty (30) days after receipt of the appeal, unless otherwise agreed to by the city and appellants. At the time of the hearing on the appeal, the court shall allow city and appellant to present evidence with the burden thereof supporting a fact or position resting on the proponent of the fact or position. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. The municipal court shall give effect to the rules of privilege recognized by law.

c. After the close of the hearing, the court shall issue a written order setting out the basis for its determination and may affirm, modify or reverse the decision of the city manager and may also take or order such other action(s) as are deemed appropriate to effect the court's determination, including the payment of any costs.

d. The order of the municipal court is final and judicially reviewable only as provided by

the terms of ORS 34.010 to ORS 34.100.

8. Penalties.

a. Unless specifically limited elsewhere in the Sherwood Municipal Code, the city manager is authorized to seek a civil penalty from any violator in an amount of up to two hundred fifty dollars ($250.00) for violation of any of the provision(s) of the SMC, METRO rules and regulations or a lawfully issued business license.

b. When determining the amount of a civil penalty, the city manager and, if appealed, the municipal court shall consider, at a minimum, the following factors and set out in the notice or determination those believed to apply to a situation:

i. Prior violations and whether those violations were remedied in a timely manner;

ii. The magnitude of the violation;

iii. Whether the violation was repeated or continuous; and

iv. Whether the violation was intentional or otherwise.

(Ord. No. 2009-001, § 1, 3-17-2009)

Chapter 5.08

AMUSEMENT GAMES

Sections:

5.08.010 Definitions.
5.08.020 License--Application.
5.08.030 License--Investigation.
5.08.040 License--Fee.
5.08.050 Permit required.
5.08.060 Posting of license and permit required.
5.08.070 License--Revocation.
5.08.080 Violation--Penalty.

5.08.010 Definitions.

Wherever the word "person" appears in this chapter, it shall mean and include a natural person, a firm, a corporation or co-partnership, and the singular number shall include the plural and the masculine gender the feminine and neuter, and vice versa in each case.

Wherever the word "proprietor" is used herein it shall mean any person, firm, corporation, partnership or other entity having on its premises any game, machine, or device herein described.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 1, 1937)

5.08.020 License--Application.

Any proprietor having or desiring to locate for use and operation in the city any pinball game, electronic game, pool tables, game tables, or other game, device or machine, the playing or operation of which involves an element of skill, shall make written application for license to do so, and file the same with the city recorder. Such application shall show the name, address and place of business of the applicant, a description of the machines, devices or game sufficient to identify the same, and the total number of such machines, devices or games desired to be covered by the application, and shall also set forth the addresses and locations of the places where the applicant desires to place or locate such tables, machines, devices or games.

The application shall be accompanied by deposit of one-quarter's license fee for each machine, device or game as set forth in the application. Such application filed with the recorder shall be referred by the recorder to the city council.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 2, 1937)

5.08.030 License--Investigation.

The city council shall investigate the applicant and the machines, devices or games the applicant desires to have licensed and the places the applicant desires to place or locate such machines, devices or games. If upon investigation the city council shall approve the granting of the licenses applied for, they shall return the application to the recorder with its endorsement of approval, and the recorder shall thereupon issue the necessary license as approved. However, the city council may, in its discretion, approve such application for a lesser number of machines, devices or games than the number set forth in the application and shall in such case return the application to the recorder with its approving endorsement of number of machines, devices or games approved, and thereupon the recorder shall issue a license as provided herein. In case the proprietor does not desire a license for the reduced number of machines, devices or games, the deposit by him or her made at the time of filing his or her application shall be returned to him or her by the recorder. If the applicant accepts the license for the reduced number of machines, the recorder shall return to the applicant the deposit covering the number of machines, devices or games rejected by the council. When any application is rejected or disapproved by the council, they shall return the application to the recorder, with its endorsement or disapproval, and the recorder shall thereupon return the applicant his or her deposit. The council may in its discretion reject any or all applications for any reason or cause deemed sufficient by the council.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 3, 1937)

5.08.040 License--Fee.

The proprietor's license shall be issued for a period of one calendar year, and the license fee shall be twenty-five dollars ($25.00) for each machine, device or game hereinbefore mentioned, placed or located as hereinbefore provided, which twenty-five dollar ($25.00) fee shall license the operation of each machine for the period from January 1st through December 31st of each year, and such license must be renewed every year if the proprietor desires to continue the same. In the event the proprietor applies after July 1st of the current license year, the license fee for the balance of the license year shall be one-half the annual license fee.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 4, 1937)

5.08.050 Permit required.

At time the recorder issues the proprietor's license as hereinbefore provided, the recorder shall issue to the licensee a written permit for all of the machines, devices or games licensed and written permit shall be

securely posted, in a conspicuous location, to the premises where the games, machines or devices are located. (Ord. 741 § 1 (part), 1981; Ord. 124 § 5, 1937)

5.08.060 Posting of license and permit required.

It is unlawful to maintain, keep or operate on the premises any such machine or device in condition or position that the same may be operated, played or used unless first a license and a permit issued pursuant hereto for such machine or device has been posted in a conspicuous place on the premises. It shall be a violation of this chapter for the owner, licensee or person in charge of any place or premises in the city to permit the use or operation of any such machine or device or game in his or her place or upon his or her premises unless such machine or device has been licensed hereunder.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 6, 1937)

5.08.070 License--Revocation.

The city council of the city reserves the right to revoke any and all licenses issued hereunder at its discretion, either with or without notice to the licensee; provided that if such revocation is made without notice, the unexpired portion of the license therefor paid for shall be refunded or shall be deposited with the recorder to the credit of the licensee.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 7, 1937)

5.08.080 Violation--Penalty.

Any person violating any provisions of this chapter shall upon conviction thereof be punished by a fine of not to exceed two hundred fifty dollars ($250.00) for each machine, game, or device on the premises in violation of this chapter.
(Ord. 741 § 1 (part), 1981; Ord. 124 § 8, 1937)

Chapter 5.12

BINGO, LOTTO AND RAFFLE GAMES

Sections:

5.12.010 State bingo regulations adopted.
5.12.020 City exceptions.
5.12.030 City permit.
5.12.040 Issuance and renewal of city permit.
5.12.050 Suspension, revocation of permits.
5.12.060 Final determination of permits--Denial, suspension or revocation--Appeals.
5.12.070 Violation--Penalty.

5.12.010 State bingo regulations adopted.

ORS 167.117 through 167.118, and OAR 137-025-0020 through 137-025-0340, adopted by the Department of Justice pursuant to Chapter 464 Oregon Revised Statutes, and any amendments and additional regulations adopted by the Department of Justice pursuant thereto regulating bingo, lotto, and raffle games, are adopted by reference, except as specifically varied by this chapter. (Amended during 1998 codification; Ord. 88-872 § 1)

5.12.020 City exceptions.

The following additional restrictions, as permitted by ORS 464.430, shall be applied to bingo, lotto and raffle games operating within the city:

A. No organization shall maintain, conduct or operate any bingo, lotto or raffle games for more than two days in any week (Monday through Sunday) nor shall any such bingo, lotto or raffle game activities be conducted for more than five hours on any one day (12:01 a.m. through midnight); nor shall any single structure be used as the location of bingo, lotto or raffle games on more than two days in any week except when conducted at an annual bazaar, open house or meeting that occurs only once in a twelve (12) month period and does not last longer than seven days.

B. Persons who have not reached their eighteenth birthday shall not be permitted to participate in any bingo, lotto or raffle game as a player unless accompanied by a parent or lawful guardian who authorizes such participation.

(Ord. 88-872 § 2)

5.12.030 City permit.

Notwithstanding the requirements of state law, any person operating a bingo, lotto or raffle game within the city shall annually make application for a permit to operate within the city, on forms prescribed by the city, and pay an application fee of forty dollars ($40.00). The applicant shall submit proof of compliance with state law, and copies of all applicable state permits, along with their application to operate a bingo, lotto, or raffle game within the city.

(Ord. 88-872 § 3)

5.12.040 Issuance and renewal of city permit.

A. Upon the filing of an application for issuance or renewal of a bingo, lotto and raffle permit, and payment of the required fee, the chief of police shall cause the applicant to be investigated to ascertain the applicant's suitability to operate or conduct such activities. The permit shall be issued as soon as practicable by the city recorder unless grounds for denial as noted herein are established.

B. The application shall be denied by the city recorder if:

1. The applicant, any principal managing individual thereof, or any individual who will be directly engaged in the management or operation of such activities has previously:

   a. Engaged in the management or operation of a bingo or lotto game and the permit or license therefore has been suspended or revoked; or

   b. Committed any crime involving theft, fraud or gambling activities.

2. Such games as proposed by the application would not comply with all the applicable requirements of this chapter or state law.

3. Any statement in the application is found to be false.

4. The proposed location of such games would be a detriment to the immediate vicinity thereof due to an unreasonable congregation of pedestrian or vehicular traffic.

5. Any individual directly engaged in the management or operation of such activities commits any crime involving any provision of this chapter, in connection with the game activities for which a permit had been issued pursuant to this chapter.

6. The applicant does not hold all required state permits.

C. The permit shall be for a term of one year, shall be nontransferable, shall expire on the first anniversary of its issuance, and shall be valid only for a single location. If the permittee wished to change the location, a written request for such change, including the address of the new location, shall be provided at least ten days prior to such change for approval by the city recorder.
(Ord. 88-872 § 4)

5.12.050 Suspension, revocation of permits.

A. Any permit issued pursuant to this chapter may be suspended or revoked by the city recorder for any cause which would be grounds for denial of a permit application, or when an investigation reveals any material violation of the provisions of this chapter.

B. Any permit may be suspended or revoked by the city recorder when an investigation reveals that the game activities cause, because of persons frequenting the premises, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other neighborhood locational problems, in the area around the premises where such games are conducted.

C. The suspension or revocation of any permit issued pursuant to this chapter may only be made by providing the permittee written notice of such action and the reasons therefor. Refusal of service by the permittee is prima facie evidence of receipt of such notice. Service of such notice upon the person in charge of such game activities, during the operation thereof, shall constitute service upon the permittee.
(Ord. 88-872 § 5)

5.12.060 Final determination of permits--Denial, suspension or revocation--Appeals.

A. Any denial, suspension or revocation shall become effective and final ten days after the giving of such written notice, as required by Section 5.12.050C of this chapter, unless it is appealed, within that time period, to the council by the filing of a written notice of appeal with the city recorder.

B. The filing of a timely appeal of a denial, suspension or revocation shall stay the effect of such order until the appeal has been determined by the council.

C. Upon receipt of notice of the appeal, the city recorder shall give notice to the chief of police and city manager, and the city recorder shall set a date for a council hearing on the matter. At the hearing, the

manager and the chief or their designees shall report to the council concerning the matter and the reason(s) for denying, suspending or revoking the permit. The applicant or permittee shall have an opportunity to present evidence, heard by the council, and file a written statement. At the conclusion of the hearing, the council shall determine the appeal; the decision of the council shall be final and effective immediately.
(Ord. 88-872 § 6)

5.12.070 Violation--Penalty.

The penalties provided in the state statutes and regulations which are adopted by reference in this chapter, shall also be the sanctions and penalties applicable to the violation of the additional restrictions and regulations adopted by the city, as set forth in this chapter.
(Ord. 88-872 § 7)

Chapter 5.20

LIQUOR ESTABLISHMENTS

Sections:

5.20.010 Definitions.
5.20.020 Persons not allowed to drink alcoholic liquor on licensed premises.
5.20.030 Employees over eighteen years of age.
5.20.040 Loitering on licensed premises by minors.
5.20.050 Minors not permitted to drink or loiter on licensed premises.
5.20.060 Permitting minors on licensed premises.
5.20.070 Delivering or selling liquor by minor.
5.20.080 Interdicted persons.
5.20.090 Sales by unlicensed persons prohibited.
5.20.100 Intoxicated persons on licensed premises.
5.20.110 Consumption of liquor in beer parlor.
5.20.120 Disposal of liquor containers.
5.20.130 Lawful hours of sale.
5.20.140 Defense of written age statement.
5.20.150 Bartender not to drink on duty.
5.20.160 Possession of alcoholic liquor on premises to conform to license.
5.20.170 Consumption of alcoholic liquors in public places prohibited.
5.20.180 Liquor in public dance hall prohibited.
5.20.190 Nuisances.
5.20.200 Arresting officer to seize property.
5.20.210 Responsibility of licensee for employees.
5.20.220 Civil penalty.
5.20.230 Liquor commission to be notified.

5.20.010 Definitions.

As used in this chapter:

"Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent of alcohol by volume.

"Commission" means the Oregon Liquor Control Commission as provided for by the Oregon Liquor Control Act.

"Hard liquor" means any alcoholic beverage, including sweet wines and all spirituous liquors, containing fourteen (14) percent or more alcohol by volume.

"Licensee" means a person who has an alcoholic liquor license from the commission authorizing such person to sell or dispense alcoholic liquor.

"Licensed premises" means the room or enclosure at the address within the corporate limits of the city of Sherwood, Oregon, for which a license has been issued by the commission for the serving, mixing, handling or selling of alcoholic liquor.

"Malt beverage" means malt beverage as defined in the Oregon Liquor Control Act.

"Minor" means any person under the age of twenty-one (21) years.

"Oregon Liquor Control Act" means the state law so designated by ORS 471.027 as now or hereafter amended and supplemented, and includes the Oregon Distilled Liquor Control Act as defined by ORS 472.020 as now or hereafter amended and supplemented.

"Other responsible relative" means:

1. An adult who is the spouse of a minor;

2. An adult, related to the minor, who has taken over the parental duties of governing the minor's actions; or

3. A duly appointed, qualified and acting guardian who has taken over the parental duties of governing the minor's actions.

"Person" means and includes an individual, partnership, corporation, association or club.

"Sell" means and includes: soliciting or receiving an order for or keeping, offering or exposing for sale, delivering for value or in any way other than gratuitous, peddling, keeping with intent to sell, to traffic in, for any consideration, promised or obtained, direct or indirect, or under any pretext or by any means whatsoever, procuring or allowing to be procured alcoholic liquor for any other person.

As used in this chapter, the singular includes the plural, and the masculine includes the feminine. (Ord. 529 § 1, 1963)

5.20.020 Persons not allowed to drink alcoholic liquor on licensed premises.

No person shall allow or permit any person who is visibly intoxicated, or who is under an order of interdiction issued by any court, to drink or consume any alcoholic liquor upon any licensed premises. (Ord. 529 § 3, 1963)

5.20.030 Employees over eighteen years of age.

Nothing contained in Sections 5.20.040, 5.20.050, 5.20.060 and 5.20.070 of this chapter shall be construed to prohibit activities authorized by ORS 471.375, 471.480, and 471.482 with respect to lawful service by employees eighteen (18) years of age or older.
(Ord. 98-1039 § 1)

5.20.040 Loitering on licensed premises by minors.

Except as provided in Section 5.20.060 of this chapter, no minor, whether or not he or she is accompanied by a parent or other responsible relative, shall enter, loiter or remain on any licensed premises, or any portion thereof, which has been posted by the commission to prohibit the use thereof by minors.
(Ord. 529 § 6, 1963)

5.20.050 Minors not permitted to drink or loiter on licensed premises.

A. No licensee or his or her employee or agent shall permit any minor to:

1. Consume an alcoholic liquor upon any licensed premises, whether or not such alcoholic liquor is given to the minor by a parent or other responsible relative.

2. Loiter on such licensed premises which have been posted by the commission to prohibit the use thereof by minors, except as provided in Section 5.20.060 of this chapter.

3. Remain upon such premises or any portion thereof except as provided in Section 5.20.060 of this chapter.

B. The fact that a parent or other responsible relative has accompanied a minor upon any licensed premises shall not constitute a defense to any charge brought for violation of this section, except as provided in Section 5.20.060 of this chapter.
(Ord. 529 § 7, 1963)

5.20.060 Permitting minors on licensed premises.

A. The provisions of Sections 5.20.040 and 5.20.050 of this chapter shall not be construed to prohibit:

1. Any minor from entering any licensed premises, or portion thereof, for the transaction of any business pursuant to his or her duties in the regular course of his or her lawful employment.

2. A minor spouse from entering and remaining on licensed premises or any portion thereof when he or she is in the immediate company of his or her spouse who is twenty-one (21) years of age or older.

B. This section shall not be construed to authorize a minor spouse to consume alcoholic liquor on any licensed premises.
(Ord. 529 § 8, 1963)

5.20.070 Delivering or selling liquor by minor.

A. No minor, either for himself or herself, or as agent or employee of another shall sell, offer for sale or deliver any alcoholic liquor.

B. No person shall employ, hire or engage any minor to sell, offer for sale or deliver any alcoholic liquor.
(Ord. 529 § 9, 1963)

5.20.080 Interdicted persons.

No person under an order of interdiction by any court shall possess, purchase or attempt to purchase any alcoholic liquor.
(Ord. 529 § 10, 1963)

5.20.090 Sales by unlicensed persons prohibited.

No person shall sell alcoholic liquor unless he or she has a license from the commission to sell alcoholic liquor. Sales by a licensee or his or her employee shall be only such sales as are authorized by the license issued for the premises.
(Ord. 529 § 11, 1963)

5.20.100 Intoxicated persons on licensed premises.

No licensee or his or her employee or agent shall permit a visibly intoxicated person to enter or remain upon the licensed premises which the licensee controls.
(Ord. 529 § 12, 1963)

5.20.110 Consumption of liquor in beer parlor.

No licensee or his or her employee or agent shall knowingly permit any alcoholic liquor containing more than fourteen (14) percent of alcohol by volume to be brought upon or consumed upon the premises which he or she controls where the license of that premises permits only the sale and consumption of malt beverages.
(Ord. 98-1039 § 2: Ord. 529 § 13, 1963)

5.20.120 Disposal of liquor containers.

A. No licensee or his or her employee or agent shall permit any empty or discarded containers of alcoholic liquor to be in the public view on the exterior of his or her licensed premises or in parking areas maintained in connection with such premises.

B. Every licensee or his or her employee or his or her agent who is serving hard liquor under the provisions of a dispenser's license shall break and destroy all hard liquor bottles as such bottles are emptied.

C. No person shall discard, throw away or dispose of any container of alcoholic liquor, whether broken or not, upon any street, alley, public grounds or public place.

(Ord. 529 § 14, 1963)

5.20.130 Lawful hours of sale.

A. Subject to the provisions of subsection B of this section, no person shall sell, dispense or allow the consumption of any alcoholic liquor on any licensed premises, nor shall any licensee or his or her employee or agent deliver or permit the removal of any alcoholic liquor to, on or from any licensed premises, between the hours of one a.m. and seven a.m.

B. A licensee in lawful possession of a club, restaurant or dispenser's license may permit the privileges granted by such licenses between the hours of seven a.m. and two-thirty a.m. of the day following, and may allow, after closing hours, any person who is not visibly intoxicated to remove from the club or restaurant premises alcoholic liquor lawfullybrought upon the licensed premises by such person.
(Ord. 529 § 16, 1963)

5.20.140 Defense of written age statement.

If a licensee or his or her employee or his or her agent is prosecuted in the municipal court under this chapter for selling alcoholic liquor to a minor, or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or his or her employee or agent may offer in his or her defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the commission, and such statement shall constitute a prima facie defense.
(Ord. 529 § 18, 1963)

5.20.150 Bartender not to drink on duty.

No bartender shall drink or consume any alcoholic liquor, or be under the influence of alcoholic liquor, while on duty in a licensed premises.
(Ord. 529 § 19, 1963)

5.20.160 Possession of alcoholic liquor on premises to conform to license.

No licensee or his or her employee or agent shall have in his or her possession on the licensed premises any alcoholic liquor that is not included within the scope of his or her license.
(Ord. 529 § 20, 1963)

5.20.170 Consumption of alcoholic liquors in public places prohibited.

No person shall drink or consume any alcoholic liquor in or upon any street, alley, public grounds, or other public place unless such place has been licensed for that purpose by the Oregon Liquor Control Commission.
(Ord. 529 § 21, 1963)

5.20.180 Liquor in public dance hall prohibited.

No person shall possess, keep, sell, give away, or otherwise dispose of or consume alcoholic liquor in any public dance hall, or in any room or building used for public dancing, that is not licensed under the Oregon Liquor Control Act.
(Ord. 529 § 22, 1963)

5.20.190 Nuisances.

Any room, house, building, boat, structure or place of any kind where alcoholic liquor is sold, manufactured, bartered or given away in violation of the law, or where persons are permitted to resort for the purpose of drinking alcoholic liquors in violation of the law, or any place where alcoholic liquors are kept for sale, barter, or gift in violation of the law, and all alcoholic liquor whether purchased from or through the Oregon Liquor Control Commission or purchased or acquired from any source, and all property including bars, glasses, mixers, lockers, chairs, tables, cash registers, music devices and all furniture, furnishings and equipment, and all facilities for the mixing, storing, serving or drinking of alcoholic liquor kept and used in such place, are declared to be a common nuisance; and any person who maintains or assists in maintaining such common nuisance is guilty of a violation of this chapter.
(Ord. 529 § 23, 1963)

5.20.200 Arresting officer to seize property.

When an officer arrests any person for violation of this chapter, the officer shall take into his or her possession all alcoholic liquor and other property included under Section 5.20.190 of this chapter which the person arrested has in his or her possession, or on his or her premises, which apparently is being used or kept in violation of this chapter. If the person arrested is convicted, and the court finds that the alcoholic liquor and other property have been used in violation of this chapter, such forfeiture proceedings as are authorized by ORS 471.605, 471.610 and 471.615 may be instituted.
(Ord. 529 § 24, 1963)

5.20.210 Responsibility of licensee for employees.

Each licensee is responsible and liable to prosecution for any violation of any provision of this chapter pertaining to his licensed premises and for any act or omission of any servant, agent or employee of such licensee in violation of any provision of this chapter.
(Ord. 529 § 25, 1963)

5.20.220 Civil penalty.

Violation of any provision of this chapter is punishable, upon conviction in the municipal court, by a civil fine not exceeding five hundred dollars ($500.00).
(Ord. 98-1039 § 4: Ord. 529 § 26, 1963)

5.20.230 Liquor commission to be notified.

When a conviction is obtained against any licensee of the commission, or a conviction is obtained against any person where the violation was committed on a licensed premises, the municipal court shall notify the Oregon Liquor Control Commission of such conviction.

(Ord. 529 § 27, 1963)

Chapter 5.24

TAXICABS

Sections:

5.24.010 Definitions.
5.24.020 Permit--Required.
5.24.030 Permit--Cancellation.
5.24.040 Permit--Application-- Insurance--Fees.
5.24.050 Permit--Application-- Vehicle inspection.
5.24.060 Permit--Contents.
5.24.070 Rate schedule-- Designated.
5.24.080 Rate schedule--Effective date.
5.24.090 Refusal to pay rates unlawful.
5.24.100 Driver identification card.
5.24.110 Rate schedule--Posting requirements.
5.24.120 Permit--Transfer.
5.24.130 Violation--Penalty.

5.24.010 Definitions.

As used in this chapter:

"Motor vehicle" means and includes every self-propelled vehicle by or upon which any person or persons may be transported or carried upon any public highway, street or alley, excepting vehicles used exclusively upon stationary rails or tracks.

"Person" means and includes natural persons of either sex, firms, copartnerships, associations and corporations whether acting by themselves or by servant, agent or employee, and the singular includes the plural, and the masculine pronoun includes the feminine.

"Taxicab" means and includes every motor vehicle having a seating capacity of five passengers or less as per manufacturer's ratings used for the transportation of passengers for hire and not operating exclusively over a fixed and definite route.
(Ord. 791 § 1, 1983)

5.24.020 Permit--Required.

It is unlawful for any person to engage in a taxicab business within the city without first securing a permit for the conduct of a taxicab business under the provisions of this chapter. The fee for conducting a taxicab business shall be one hundred fifty dollars ($150.00) per year (prorated on a quarterly basis) and shall include the business license fee, and shall be paid on or before July 1st of each year. This chapter shall not apply to persons providing taxicab service not based within the corporate limits of the city who deliver passengers from without the city to destinations within the city, but shall apply to all persons providing taxicab service based within the city or who pick up passengers within the city.
(Ord. 791 § 2, 1983)

5.24.030 Permit--Cancellation.

A. Notice--Hearing Required. Any permit and the accompanying business license issued for the conduct of a taxicab business under the terms of this chapter may be cancelled by the city council after notice to the permittee and affording permittee a hearing before the city council if requested in writing, for any of the following causes:

1. Wilful violation of the terms and conditions of this chapter;

2. Knowingly authorizing or permitting any person to operate a taxicab in the city in violation of regulatory or statutory requirements pertinent to the registration or licensing of vehicles or operators;

3. Knowingly employing a person who has been convicted of a felony or of any crime concerning which the use of a firearm is an element, excepting only game law violations, or knowingly employing any person whose driving privileges are suspended by the state of Oregon for any reason.

B. Notice and Hearing Not Required. Notwithstanding subsection A of this section, the permit shall automatically terminate and permittee shall immediately cease operations upon the day prior to the effective date of any cancellation, lapse, or termination of the insurance coverages required by this chapter and the permit shall not be reinstated until proof of that insurance coverage has been furnished.
(Ord. 791 § 3, 1983)

5.24.040 Permit--Application-- Insurance--Fees.

Any person desiring to obtain a permit to operate taxicabs within the city shall file with the recorder an application setting forth the following information:

A. The name and address of the applicant;

B. The citizenship of the applicant;

C. The make, serial number, motor number, latest Oregon license number, and the PUC number, if any, on each taxicab operated by the applicant;

D. The amount and name of the company in which public liability and property damage insurance is carried, together with proof that the current premiums are fully paid. Liability insurance limits for each taxicab and driver and for the permittee shall be not less than one hundred thousand dollars ($100,000.00) for injuries to one person, three hundred thousand dollars ($300,000.00) for all injuries in one accident, and twenty-five thousand dollars ($25,000.00) for property damage. The policy shall have an endorsement thereon that same will not be cancelled without fifteen (15) days prior written notice to the city of Sherwood.
(Ord. 791 § 4, 1983)

5.24.050 Permit--Application-- Vehicle inspection.

A. If the city administrator shall disapprove the application for any reason within the purview of this chapter, the city administrator shall place the application on the agenda for consideration by the city council.

B. The city shall require that any vehicle used as a taxicab shall be certified to be safe at time of license renewal.
(Ord. 791 § 5, 1983)

5.24.060 Permit--Contents.

Each permit issued to operate a taxicab business in the city shall have printed or typed thereon the number of the business permit, the period for which the permit fee is paid, the name of the permittee, and the following data with respect to each taxicab to be operated under authority of such permit:

A. Make;

B. Serial number;

C. State license number;

D. Legal owner of vehicle;

E. Registered owner of vehicle.
(Ord. 791 § 6, 1983)

5.24.070 Rate schedule--Designated.

The following schedule of rates may be charged and collected for the transportation of passengers in taxicabs for trips within the city and within three miles from the city limits, and it is unlawful for any charge in excess thereof to be made.

All fares shall be determined by a taximeter, to be inspected by the chief of police annually, except those allowed by subsection F of this section.

A. An initial flag drop charge of one dollar.

B. Subsequent to the initial flag drop charge provided for in subsection A of this section the maximum rate shall be ten cents for each one-tenth mile or fraction thereof and/or waiting time for each one minute ormore.

C. For each extra passenger over twelve (12) years of age, fifty cents additional charge.

D. Waiting time at the maximum rate of twelve dollars ($12.00) per hour shall include the time when the taxicab is not moving, beginning with the time of arrival at the place to which the taxicab has been called, or the time consumed while the taxicab is standing or waiting at the direction of the passenger, or forced to stand because of prevailing traffic conditions. No charge shall be made on account of time lost on account of inefficiency of the taxicab or its operation, or

time consumed by premature response to a call.

E. No charge shall be made for traveling without passenger unless the taxicab has been engaged for messenger service, in which event the rates applicable to a single passenger shall be the maximum charge therefor. Delivery service rate shall be a maximum of four dollars for the first mile and one dollar and twenty cents per mile up to fifteen (15) miles, and one dollar thereafter.

F. A maximum service charge of one dollar shall be made for calls refused after being ordered.

G. Passengers showing a senior citizen ID card shall be extended a fifteen (15) percent discount from the rates established above.

(Ord. 791 § 7, 1983)

5.24.080 Rate schedule--Effective date.

The rates set forth in Section 5.24.070 of this chapter for taxicab service to be rendered by any business permittee pursuant to the terms of this chapter are effective immediately and remain in effect until modified or changed by amendment to this chapter, and no other or different rates shall at any time be charged or collected for taxicab service hereunder, either directly or indirectly.
(Ord. 791 § 8, 1983)

5.24.090 Refusal to pay rates unlawful.

It is unlawful for any person to fail or refuse to pay the rates herein fixed and provided for after having hired taxicab service. A telephone order for taxi service at a given address shall constitute the hiring of a taxicab. A person or persons refusing to ride after hiring a taxi must pay a service charge in accordance with Section 5.24.070 of this chapter.
(Ord. 791 § 9, 1983)

5.24.100 Driver identification card.

All persons employed by the holder of a business permit hereunder to operate taxicabs under the terms and provisions hereof shall meet all requirements of the Oregon Motor Vehicle Code for taxicab operators and shall at all times conduct themselves in a respectful and courteous manner. An identification card, to be approved by the chief of police, including the name and photograph of all operators, shall be posted in each vehicle so as to be readily visible to any passenger.
(Ord. 791 § 10, 1983)

5.24.110 Rate schedule--Posting requirements.

Each vehicle shall have posted in a conspicuous place a card listing the rates and charges as established by this chapter where such rates may be easily read and understood by passengers.
(Ord. 791 § 11, 1983)

5.24.120 Permit--Transfer.

Any permit issued hereunder shall be non-assignable, except that if the proposed assignee shall make similar application to the city recorder and shall meet all terms and conditions hereof, upon approval of the proposed assignment by the city council a transfer of all rights and privileges may be authorized.
(Ord. 791 § 12, 1983)

5.24.130 Violation--Penalty.

Violation of this chapter is a violation and not a crime and is punishable by a fine not to exceed one hundred fifty dollars ($150.00).
(Ord. 791 § 13, 1983)

Chapter 5.28

PROCESS AND FEES FOR LIQUOR LICENSES

Sections:
5.28.010 Purpose.
5.28.015 Application.
5.28.020 Application review.
5.28.025 Information from applicant.
5.28.030 Time frames for response.
5.28.035 Standards and criteria.
5.28.040 Fees.
5.28.045 Effective date.

5.28.010 Purpose.

Oregon statute authorizes the Oregon Liquor Control Commission (OLCC) to take into consideration the written recommendation of the city concerning approval or denial of initial or renewal licenses and/or imposition of restrictions on license privileges and the conduct of operations at licensed premises in the city. This chapter sets forth the process for review of liquor license applications, and establishes the standards and criteria to be considered by the city manager in addressing such applications.
(Ord. 04-009 (part))

5.28.015 Application.

An application shall consist of a legible copy of the OLCC "Liquor License Application." When the application is for a new outlet, the applicant shall provide legible copies of the "Individual History" form and "Business Information" form or other forms required by OLCC to be submitted with the application.
(Ord. 04-009 (part))

5.28.020 Application review.

The city manager shall refer each application to the police department and to such other departments deemed by him/her as appropriate. Any department receiving an application shall, if appropriate, conduct an investigation and shall report findings and recommendations, if any, to the city manager.
(Ord. 04-009 (part))

5.28.025 Information from applicant.

A department designated to review an application or to review a renewal of an existing license, may require the applicant to supply additional information necessary to determine the qualifications of the applicant for the proposed application or renewal. If the applicant fails to supply the information required or submits false or misleading information, the city manager may recommend denial of the application. (Ord 04-009 (part))

5.28.030 Time frames for response.

A. License Actions. The city manager shall provide a recommendation, if any, to OLCC within forty-five (45) days of receipt of an application. Notwithstanding the foregoing, the city manager may within that forty-five-(45) day period, file a written request meeting the requirements of subsection C of this section seeking an additional forty-five (45) days within which to render a recommendation.

B. Renewal Applications. The city manager shall provide a recommendation, if any, to OLCC within sixty (60) days of notification by OLCC that an existing licensee is eligible for renewal. The city manager may, within that sixty-(60) day period, file with OLCC a written request meeting the requirements of subsection C of this rule and seeking an additional forty-five (45) days within which to render its recommendation.

C. Extension Requests. City manager requests for additional time to provide a recommendation shall: 1) set forth the reason additional time is needed; 2) state that the city manager is considering making an unfavorable recommendation; and 3) state the specific grounds being considered toward an unfavorable recommendation.
(Ord. 04-009 (part))

5.28.035 Standards and criteria.

The criteria for issuance and maintenance of licenses contained in OAR 845-005-0308(2004) are adopted by this reference as the standards and criteria to be considered by the city manager in recommending approval or denial of an application.
(Ord. 04-009 (part))

5.28.040 Fees.

In lieu of the application fee set forth in ORS 471.166(7), the city of Sherwood shall charge the following fees in connection with review and processing of liquor license applications:

A.	$100.00	Original new outlet application.
B.	$ 75.00	Change in ownership or licensee, change in location or change in privilege application.
C.	$ 35.00	Renewal or temporary application.

These fees may be changed by further resolution of the council.
(Ord. 04-009 (part))

5.28.045 Effective date.

The ordinance codified in this chapter shall become effective the thirtieth (30th) day after its enactment by the city council and approval by the mayor.
(Ord. 04-009 (part))

Title 6

ANIMALS

Chapters:

6.04 Dogs

Chapter 6.04

DOGS

Sections:

6.04.010 Adoption of county dog control ordinance.
6.04.020 Amendments to county dog control ordinance.
6.04.030 Animal noise disturbances.
6.04.035 Dogs prohibited from running at large.
6.04.040 Animal waste disposal.
6.04.050 Dogs prohibited from certain public facilities.
6.04.100 Penalty.

6.04.010 Adoption of county dog control ordinance.

A. The dog control ordinance of Washington County, being Ordinance No. 138, enacted November 20, 1973, by the board of county commissioners, and effective January 1, 1974, and as now or hereafter amended, is by this reference incorporated into this chapter and made a part hereof as the dog control ordinance of the city of Sherwood, Oregon, except as hereinafter specifically amended, modified or deleted, and shall be known and pled as the city dog control ordinance. Violation of Ordinance No. 138, as now or hereafter constituted, shall be an offense against the city of Sherwood.

B. One copy of Ordinance No. 138, and any amendments thereto, shall be kept on file in the office of the city recorder.
(Ord. 658 § 1, 1975)

6.04.020 Amendments to county dog control ordinance.

Washington County Ordinance No. 138, as by the ordinance codified in this chapter adopted for application to the city of Sherwood, is amended and changed in the following particulars:

A. References to "Washington County," "board of county community commissioners," "county counsel," "district court," "district judge" and other similar references are amended to read "city of Sherwood," "city council," "city attorney," "municipal court of Sherwood," "municipal judge of Sherwood" and other city positions, as appropriate.

B. Section 2, relating to definitions, is amended to add an additional definition, as follows:

(17) "Dog control officer" means any peace officer and any dog control officer of the city of Sherwood or of Washington County.

C. Section 4, relating to prohibited activities, is amended to delete subsection A(10) relating to acts of cruelty to animals.

D. Section 10, relating to claims for livestock killed by dogs, is amended to read:

Sec. 10 Claims for Livestock Killed by Dogs. The owner of any livestock killed by any dog may submit claims to Washington County pursuant to the provisions of the Washington County dog control ordinance.

E. Section 11 and Section 12 are deleted.

F. Section 14, relating to penalties, is amended to replace the phrase, "Ordinance No. 77 or Ordinance No. 93 of Washington County" in Paragraph D with the phrase, "City of Sherwood Ordinance No. 658."

G. Section 15, relating to enforcement procedures, is amended by revising subsection A(1) to read:

1. In addition to other procedures authorized by law, a Uniform Dog Control Citation conforming to the requirements of this Subsection "A" may be used for all dog control ordinance violations committed in the presence of the complainant and which occur in the city of Sherwood, Oregon.

H. Section 16, relating to the effective date, is deleted.
(Ord. 98-1049 § 3; Ord. 658 § 2, 1975)

6.04.030 Animal noise disturbances.

A. Noise Disturbance Prohibited. A noise disturbance is any sound produced by animals, which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the limits of the city.

B. Penalty. Offenses of the ordinance codified in this chapter shall be classified as a Class C violation punishable by up to a two hundred fifty dollar ($250.00) fine.

C. If there are two or more complaints from two or more separate residences with a twelve (12) month period and if the owner is convicted for the same offense more than three times, the offending animal must leave the Sherwood City limits permanently.
(Ord. 01-1111 §§ 1--3)

6.04.035 Dogs prohibited from running at large.

A. It is a Class C violation for any person to be the keeper of a dog running at large or demonstratively out of control which is punishable by a written warning followed by fines of up to two hundred fifty dollars ($250.00) per occurrence.

B. If there are two or more complaints within a twelve (12) month period involving the same dog running at large and if the keeper is convicted of this violation three or more times, the owner must remove that dog permanently from the city.
(Ord. 06-010 § 1)

6.04.040 Animal waste disposal.

It is unlawful for any person owning or having control or custody of any animal to permit the animal to defecate upon public property or upon the private property of another unless the person immediately removes the feces and properly disposes of it.
(Ord. 04-014 § 1 (part))

6.04.050 Dogs prohibited from certain public facilities.

A. It is unlawful for any person owning, keeping, possessing, harboring or otherwise reasonably believed to be in possession of a dog to cause, permit, suffer or allow such dog to be at large on or about the following public facilities:

1. The synthetic turf field at the Sherwood High School; and

2. The synthetic turf fields at Sunset Park.

B. As used in the foregoing subsection, "dog" means all members of the domesticated canine (canine familiaris) three months of age or older and "at large" means unrestrained or not otherwise under the control (through the use of a lead or line not more than six feet in length) of the owner or other person acting for the owner or who is a person having possession of the dog.
(Ord. 05-015 § 1)

6.04.100 Penalty.

Violation of the provisions of this chapter shall be classified as a Class C violation punishable by a fine of up to two hundred fifty dollars ($250.00).
(Ord. 04-014 § 1 (part))

Title 7

(Reserved)

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Abandoned, Discarded and Hazardously Located Vehicles

8.08 Alarm Systems

8.12 Fire Prevention Code

8.16 Property Maintenance Code

8.20 Solid Waste Management

Chapter 8.04

ABANDONED, DISCARDED AND HAZARDOUSLY LOCATED VEHICLES

Sections:

8.04.010 Short title.
8.04.020 Definitions.
8.04.030 Parking or standing in excess of seventy-two hours.
8.04.040 Abandoned vehicles--Offense.
8.04.050 Possession by person taken into custody regarding impoundment.
8.04.060 Authority of police officer to order impoundment of vehicle driven by person believed to have committed certain offenses pursuant to Chapter 514 Oregon Laws 1997.
8.04.070 Removal--Notice prior to removal of vehicle and contents pursuant to authority of ORS 819.110.
8.04.080 Impoundment--Notice after removal pursuant to authority of ORS 819.120.
8.04.090 Procedure for removal of vehicles that have no identification markings.
8.04.100 Impoundment of uninsured vehicles.
8.04.110 Possessory lien for towing charges.
8.04.120 Hearing to contest validity of custody and removal.
8.04.130 Failure to appear.
8.04.140 Disposal.

8.04.010 Short title.

The ordinance codified in this chapter shall be known and may be cited as the vehicle impoundment ordinance and may be referred to hereafter as this chapter.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 4)

8.04.020 Definitions.

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

"Abandoned" or "abandoned vehicle" means a vehicle left unoccupied and unclaimed or in such damaged, disabled or dismantled condition that it is inoperable. A vehicle shall be considered abandoned if it

was present in the same location for more than seventy-two (72) hours or within a five hundred- (500) foot radius of its earlier position and one or more of the following conditions exist:

1. The vehicle does not have an unexpired license plate lawfully fixed to it; or

2. The vehicle appears to be inoperative or disabled; or

3. The vehicle appears to be wrecked, partially dismantled or junked; or

4. The vehicle has not moved in seventy-two (72) hours and appears to have been stored.

"City" means the city of Sherwood.

"Costs" means the expense of removing, storing and selling an impounded vehicle.

"Hazard" means a vehicle standing in such a manner as to jeopardize public safety and the efficient movement of traffic, including but not limited to the situation described in ORS 819.120.

"Law enforcement officer" is a law enforcement officer of the city or other city employee authorized to enforce this chapter.

"Owner" means any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rail or tracts.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 5)

8.04.030 Parking or standing in excess of seventy-two hours.

No vehicle shall be abandoned upon the right-of-way of any city street or state highway for a period in excess of seventy-two (72) hours.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 6)

8.04.040 Abandoned vehicles--Offense.

A person commits the offense of abandoning a vehicle if:

A. The person abandons the vehicle on any public right-of-way or on public property of the city;

B. The owner of the vehicle as shown by the records of the Department of Motor Vehicles shall be considered responsible for the abandonment of a vehicle and shall be liable for the cost of removal and disposition of the abandoned vehicle;

C. A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under Sections 8.04.060 and 8.04.070 of this chapter;

D. The offense described in this section is a Class B traffic infraction.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 7)

8.04.050 Possession by person taken into custody regarding impoundment.

Any vehicle in the possession of a person taken into custody by a law enforcement officer shall be towed if:

A. The person taken into custody is advised of the options available for vehicle disposition and requests the vehicle be towed;

B. The vehicle is in possession of a person taken into custody by a law enforcement agency and the officer taking the person into custody reasonably believes that the vehicle constitutes a hazard;

C. A police officer reasonably believes that the vehicle is stolen;

D. A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, and such towing is reasonably necessary to obtain or preserve such evidence;

E. The person in possession of the vehicle requests that someone be called to remove the vehicle and the person contacted to remove the vehicle does not take possession of the vehicle within fifteen (15) minutes of being contacted and a police officer reasonably believes that the vehicle constitutes a hazard.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 8)

8.04.060 Authority of police officer to order impoundment of vehicle driven by person believed to have committed certain offenses pursuant to Chapter 514 Oregon Laws 1997.

A. A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer. This subsection applies to the following offenses:

1. Driving while suspended or revoked in violation of ORS 811.175 or 811.182;

2. Driving while under the influence of intoxicants in violation of ORS 813.010;

3. Operating without driving privileges or in isolation of license restrictions in violation of ORS 807.010.

B. Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 for notice after removal of a vehicle.

C. A vehicle impounded under subsection A of this section shall be released to a person entitled to

lawful possession upon compliance with the following:

1. Submission of proof that a person with valid driving privileges will be operating the vehicle;

2. Submission of proof of compliance with financial responsibility requirements for the vehicle;

3. Payment to the police agency of an administrative fee determined by the agency to be sufficient to recover its actual administrative costs for the impoundment.

D. Notwithstanding subsection C of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

E. When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection C or D of this section, the impounding police agency shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs.

F. Nothing in this section limits either the authority of the city to adopt ordinance provisions dealing with impounding of uninsured vehicles or the contents of such ordinance provisions.

G. Notice of the impoundment shall be given to the owners of the motor vehicle and to any lessors or security interest holders as shown on the records of the Department of Transportation. The notice shall, be given within forty-eight (48) hours of impoundment. The notice required by this section shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 for notice after removal of a vehicle.

H. A person entitled to lawful possession of a vehicle impounded under this section may request a hearing to contest the validity of the impoundment. The request, hearing, procedure, authority of the hearings officer shall all be as authorized by ORS 809.715 and 809.716 as amended by Chapter 514 Oregon Laws 1997 (S.B. 780), which are adopted and by this reference made a part of this chapter.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 9)

8.04.070 Removal--Notice prior to removal of vehicle and contents pursuant to authority of ORS 819.110.

If the police department proposes to take custody of a vehicle, the police department shall provide notice and an explanation of procedures available for obtaining a hearing. Except as otherwise provided under Section 8.04.050 of this chapter, notice shall comply with all of the following:

A. Notice shall be given by affixing a notice to the vehicle with the required information. The notice shall be affixed to the vehicle at least seventy-two (72) hours before taking the vehicle into custody. The seventy-two (72) hour period under this subsection includes holidays, Saturdays and Sundays;

B. The ordinance violated and under which the vehicle will be removed;

C. The place where the vehicle will be held in custody or the telephone number and address of the police department that will provide the information;

D. That the vehicle, if taken into custody and removed by the police department, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents;

E. That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid;

F. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal, if a hearing is timely requested;

G. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, may also challenge the reasonableness of any towing and storage charges at the hearing;

H. The time within which a hearing must be requested and the method for requesting a hearing. (Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 10)

8.04.080 Impoundment--Notice after removal pursuant to authority of ORS 819.120.

A. If the city takes custody of a vehicle, the city shall provide, by certified mail with the receipt stamped as proof of mailing, within forty-eight (48) hours of the removal, notice with an explanation of procedures available for obtaining a hearing to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Motor Vehicles. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing. The forty-eight (48) hour period under this section does not include holidays, Saturdays or Sundays.

B. Any notice given under this section after a vehicle is taken into custody and removed shall state all of the following:

1. That the vehicle has been taken into custody and removed by the city of Sherwood, that the vehicle violated Ordinance No. 97-1032 of the Sherwood Municipal Code and that the vehicle was removed under the authority of that ordinance;

2. The place where the vehicle is being held in custody or the telephone number and address of the appropriate authority that will provide the information;

3. That the vehicle is subject to towing and storage charges, the amount of the charges that have accrued to the date of the notice and the daily storage charges;

4. That the vehicle and its contents are subject to lien for payment of the towing and storage charges and that the vehicle and its contents may be sold by the city of Sherwood or the towing and storage facility where the vehicle is located to cover the charges if the charges are not paid within fifteen (15) days;

5. That the owner, possessor or person having interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to

contest the reasonableness of the charges for towing and storage if a hearing is timely requested;

6. That a hearing must be requested not more than five days, holidays, Saturdays or Sundays not included, from the mailing date of the notice and the method for requesting a hearing;

7. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and payment of the towing and storage charges.

(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 11)

8.04.090 Procedure for removal of vehicles that have no identification markings.

If there is no vehicle identification number on a vehicle, or there are no registration plates, or if the registration plates are expired, the police department is not required to otherwise provide notice under Section 8.04.070 of this chapter, and the vehicle may be immediately removed and disposed of as though notice and an opportunity for a hearing had been given.

(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 12)

8.04.100 Impoundment of uninsured vehicles.

A. A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, was driving an uninsured vehicle in violation of ORS 806.010 may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer.

B. Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 and Section 8.04.080 of this chapter for notice after removal of a vehicle.

C. A vehicle impounded under subsection A of this section shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements for the vehicle payment to the city police department of an administrative fee determined by the city to be sufficient to recover its actual administrative costs for the impoundment, and payment of any towing and storage charges. Proof shall be presented to the city police department, which shall authorize the person storing the vehicle to release it upon payment of the charges.

(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 13)

8.04.110 Possessory lien for towing charges.

A person shall have a lien on the vehicle and its contents if the person, at the request of the city tows an abandoned vehicle. A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. The lien shall be subject to the provisions for liens under ORS 98.812(3). The person holding the lien may retain possession of the vehicle and contents until the charges on which the lien is based are paid. A lien described under this section does not attach to the contents of any vehicle taken from public property until fifteen (15) days after taking the vehicle into custody.

A person who tows any vehicle at the request of the city shall provide written notice, approved by the city, containing information on the procedures necessary to obtain a hearing. Each person who redeems a vehicle shall sign a copy of the receipt issued, indicating that they have received notice of their right to a hearing.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 14)

8.04.120 Hearing to contest validity of custody and removal.

A person provided notice under Section 8.04.070 of this chapter, or any other person who reasonably appears to have an interest in the vehicle, may request a hearing under this section to contest the validity of the removal and custody under Section 8.04.070 of this chapter or the proposed removal and custody of a vehicle under Section 8.04.070 of this chapter by submitting a request for hearing with the Sherwood Municipal Court not more than five days from the mailing date of the notice. The five-day period in this section does not include holidays, Saturdays and Sundays. A hearing under this section shall comply with all of the following:

A. If the city proposes to remove a vehicle under Section 8.04.070 of this chapter and receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed unless it constitutes a hazard.

B. A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

C. Failure to appear in person or to mail or deliver a request for hearing within ten calendar days of date of the notice shall act as a waiver of the right to a hearing on the validity of the tow.

D. Upon receipt of a request for a hearing under this section, the city shall set time for a hearing within seven days of the receipt of the request and shall provide notice of the hearing to the person requesting the hearing and to the owners of the vehicle and any lessors or security interest holders shown in the records of the Department of Motor Vehicles, if not the same as the person requesting the hearing. The seven-day period in this subsection does not include holidays, Saturdays and Sundays.

E. If the municipal court finds, after a hearing and by substantial evidence on the record, that the custody and removal a vehicle was:

    1. Invalid, the municipal court shall order the immediate release of the vehicle to the owner or person with right to possession. If the vehicle is released under this section, the person to whom the vehicle is released is not liable for any pre-decision towing or storage charges. If the person has already paid the towing and storage charges on the vehicle, the city shall reimburse the person for the charges. The person shall be liable for new storage charges incurred after the decision. New storage charges of the vehicle will not start to accrue until more than twenty-four (24) hours after the time the vehicle is officially released to the person.

    2. Valid, the municipal court shall order the vehicle to be held in custody until the costs of

the hearing and all towing and storage costs are paid by the person claiming the vehicle. If the vehicle has not yet been removed, the city shall order its removal.

F. A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the city for the person's failure to appear.

G. The city is only required to provide one hearing under this section for each time the city takes a vehicle into custody and removes the vehicle or proposes to do so.

H. A hearing under this section may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges, set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this subsection.

I. The municipal court shall provide a written statement of the results of the hearing to the person requesting the hearing.

J. The action of the municipal court is final and no appeal can be taken from it.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 15)

8.04.130 Failure to appear.

A. If the person requesting the hearing does not appear at the hearing, the municipal court may enter an order supporting the removal and assessment of immobilization, towing and storage costs and apply security posted against the costs.

B. A person who fails to appear at a hearing is not entitled to another hearing on the same matter unless the person provides a satisfactory reason to the municipal court for failure to appear.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 16)

8.04.140 Disposal.

If a vehicle taken into custody under this chapter is not reclaimed within thirty (30) days after it is taken into custody, it shall be disposed of as authorized by ORS 819.210 to 819.260.
(Ord. 04-005 § 1 (Exh. A)(part): Ord. 97-1032 § 17)

Chapter 8.08

ALARM SYSTEMS

Sections:

8.08.010 Definitions.
8.08.020 Alarm user registration required.
8.08.030 Emergency notification.
8.08.040 User instructions.
8.08.050 Automatic dialing device--Certain interconnections prohibited.
8.08.060 Response to alarms.
8.08.070 False alarms.
8.08.080 Nonregistered alarms.
8.08.090 Continuous alarms.

8.08.100 Confidentiality.
8.08.110 Allocation of revenues.

8.08.010 Definitions.

As used in this chapter:

"Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, or facility.

"Alarm system" means any assembly of mechanical or electrical equipment arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which city police are expected to respond, provided, however, that automobile alarm systems are not included in this definition. All alarm systems installed in the city, except for medical alert alarms, shall include an external visual display.

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

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

"City" means the city of Sherwood.

"Dispatch center" means the city facility used to receive emergency and general information from the public.

"False alarm" means an alarm signal eliciting a response by city police when a situation actually requiring such a response does not in fact exist.

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

"Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.
(Ord. 06-019 § 1 (part): Ord. 89-894 § 1)

8.08.020 Alarm user registration required.

Every alarm user in the city shall register their alarm systems with the city, including all previously installed systems. Registrations shall be renewed annually. Registration shall include the address of the premises in which the alarm is installed, a mailing address if different from the physical address, and a contact phone number. Council, shall by resolution, establish fees applicable to initial registration and annual renewals. Any alarm fee not paid within ninety (90) days of invoicing will cause the alarm permit to be inactivated.

(Ord. 06-019 § 1 (part): Ord. 89-894 § 2)

8.08.030 Emergency notification.

The alarm registration shall be in a form prescribed by the chief of police, and shall include the name, address and telephone number(s) of a person(s) authorized by the alarm user to act on their behalf in case of emergencies, alarms, and false alarms.
(Ord. 89-894 § 3)

8.08.040 User instructions.

Every alarm business selling, leasing, installing or furnishing alarm systems in the city shall provide the alarm user with instructions enabling the user to operate the alarm system properly, to disarm malfunctioning systems and to obtain service for a leased alarm system.
(Ord. 06-019 § 2: Ord. 89-894 § 4)

8.08.050 Automatic dialing device--Certain interconnections prohibited.

A. It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the Sherwood police department that it is so programmed.

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

C. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Sherwood police department that an automatic dialing device is so programmed.
(Ord. 89-894 § 15)

8.08.060 Response to alarms.

A. Whenever an activated alarm system requires a police department response to the premises in which the system is installed, the city police at the scene of the alarm shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm was a false alarm.

B. If the city police at the scene of the alarm determine the alarm to be false, a written report of the false alarm shall be made and submitted to the chief of police.

C. Within a reasonable time from the occurrence of a false alarm, the chief of police shall have the right to inspect any alarm system on a premises to which city police response has been made. Failure to correct any alarm system malfunction or deficiency shall be a violation of this chapter.

(Ord. 89-894 § 6)

8.08.070 False alarms.

A. Except as provided in Section 8.08.090, if any registered alarm system produces more than one false alarm in any calendar year, the city shall provide written notice by first class mail to the mailing address shown on the registration directing the alarm user to take all necessary corrective action and informing the alarm user of the false alarm fine schedule created by council.

B. Alarm users installing a new system are entitled to a thirty (30) day grace period during which alarms generated by such new system shall not be deemed false alarms, regardless of whether they otherwise would be.

C. Except as provided in Section 8.08.090, a registered alarm system producing more than one false alarm in a calendar year, shall be deemed in violation of this chapter and a fine assessed against the alarm user. Council shall, by resolution, establish a fee schedule for false alarms and unregistered alarm systems. Any false alarm fee not paid within ninety (90) days of invoicing will cause the alarm permit to be inactivated.
(Ord. 06-019 § 3 (part): Ord. 89-894 § 7)

8.08.080 Nonregistered alarms.

Except as provided in Section 8.08.090, upon any nonregistered alarm system producing any alarm, false or otherwise, requiring police response, the alarm user shall be required to register their system consistent with the provisions of this chapter. Alarm systems registered under these circumstances shall thereafter be subject to the penalty provisions of this chapter, including the fines adopted by council.
(Ord. 06-019 § 3 (part): Ord. 89-894 § 8)

8.08.090 Continuous alarms.

Any alarm system producing an alarm that cannot be shut-off by responding city police and that continuously operates for a period greater than sixty (60) minutes, shall be treated as a fourth false alarm, and subject to the penalties adopted consistent with Section 8.08.070(C).
(Ord. 06-019 § 3 (part): Ord. 89-894 § 9)

8.08.100 Confidentiality.

All alarm system registration information submitted in compliance with this chapter shall, to the extent permissible under ORS 192.410 to ORS 192.505 be deemed to be submitted to the city in confidence.
(Ord. 06-019 § 3 (part): Ord. 89-894 § 10)

8.08.110 Allocation of revenues.

All penalties collected pursuant to this chapter shall be deposited to the city general fund.
(Ord. 06-019 § 3 (part): Ord. 89-894 § 11)

Chapter 8.12

FIRE PREVENTION CODE

Sections:

8.12.010 Adoption of State Fire Code.
8.12.020 Definitions.
8.12.030 Establishment of limits for storage of flammable or combustible liquids in outside aboveground tank.
8.12.040 Establishment of limits for storage of explosives and blasting agents.
8.12.050 Establishment of limits for storage of liquefied petroleum gas.
8.12.060 Establishment of limits for storage of compressed natural gas.
8.12.070 Establishment of limits for storage of stationary tanks of flammable cryogenic fluids.
8.12.080 Establishment of limits for storage of hazardous materials.
8.12.090 Enforcement of code.
8.12.100 Amendments made in the Uniform Fire Code.
8.12.110 Penalties.
8.12.120 Plan review, submittal of plan for fire code approval.
8.12.130 Fire code board of appeals.
8.12.140 Repeal of conflicting ordinances.
8.12.150 Validity.
8.12.160 Date of effect.

8.12.010 Adoption of State Fire Code.

The 2007 Oregon Fire Code is adopted by the city of Sherwood for purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosion and for purposes of plan review, permits and inspections. Any provision in this chapter inconsistent with the terms of that 2007 code is to be deemed ineffective and without force.
(Ord. 07-013 § 1; Ord. 06-004 § 1: Ord. 00-1084 § 1 (part))

8.12.020 Definitions.

Definitions set forth in the Uniform Fire Code and Uniform Fire Code Standards are adopted save and except for the following:

A. Whenever the terms "administrator," "director" or "chief" are used, they shall be held to mean the fire chief or his or her authorized representative.

B. Whenever the term "authorized representative" is used, it shall be held to mean the person charged with enforcement of the fire prevention code.

C. Whenever the term "board of appeals" is used, it shall be held to mean the board of appeals that is provided by the fire prevention code of the district.

D. Whenever the term "board of directors" is used, it shall be held to mean the elected officials of Tualatin Valley fire and rescue, a rural fire protection district.

E. Whenever the term "Uniform Building Code" or "building code" is used it shall be held to mean the current edition of the state of Oregon Structural Specialty Code as adopted by the State Building Codes Division.

F. Whenever the term "building department" is used it shall be held to mean the building department of the city or county of which it is a part thereof.

G. Whenever the term "building official" is used in the Uniform Building Code, Uniform Mechanical Code and ORS Chapter 455, it shall mean the building official of the city or county which is a part of this district.

H. Whenever the term "chief" or "chief of the fire department" is used, it shall be held to mean the fire chief of the district.

I. Whenever the term "chief of police" is used, it shall be held to mean whichever chief of police or sheriff has jurisdiction within the geographical area so affected.

J. Whenever the term "corporate counsel" or "city attorney" or "attorney" is used, it shall be held to mean the attorney for the district.

K. Whenever the term "district" is used, it shall be held to mean Tualatin Valley fire and rescue, a rural fire protection district.

L. Whenever the term "fire prevention bureau" is used, it shall be held to mean the fire marshal's office.

M. Whenever the term "jurisdiction," "city," "county," "state" or "municipality" is used, it shall be held to mean the district or the city or county of which this district is a part.

N. Whenever the term "hazardous vehicle" is used, it shall be held to mean vehicles blocking or obstructing a public or private right-of-way or fire hydrants, or vehicles with leaking fuel tanks or other hazardous materials, or vehicles located in violation of the fire prevention code.

O. Whenever the term "primary tank" is used, it shall be held to mean a listed atmospheric tank used to store liquid. See definition for "primary containment."

P. Whenever the term "protected aboveground tank" is used, it shall be held to mean a listed tank system consisting of a primary tank provided with protection from physical damage, and fire-resistive protection from a high-intensity liquid pool fire exposure. The tank system may provide these protection elements as a unit or may be an assembly of components, or a combination thereof.

Q. Whenever the term "Uniform Mechanical Code" or "mechanical code" is used, it shall be held to mean the current edition of the state of Oregon Mechanical Specialty Code, as adopted by the State Building Codes Division.

R. Whenever the term "room" is used, it shall be held to mean a space or area bounded by any obstructions to exit passage which at any time encloses more than eighty (80) percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than three feet in clear width and less than six feet eight inches high shall not be considered.

(Ord. 00-1084 § 1 (part))

8.12.030 Establishment of limits for storage of flammable or combustible liquids in outside aboveground tank.

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code relating to the storage of Class I and II flammable liquids or combustible liquids in outside aboveground tanks, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built-in fire protection or fire extinguishing facilities or topographical conditions and the district's firefighting capabilities may permit the installation of aboveground storage tanks in approved locations.

(Ord. 00-1084 § 1 (part))

8.12.040 Establishment of limits for storage of explosives and blasting agents.

The limits referred to in Section 7701.7.2 of the Uniform Fire Code, relating to the storage of explosive materials, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built-in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of explosives and blasting agents on farms, gravel pits, rock quarries and other isolated areas.

(Ord. 00-1084 § 1 (part))

8.12.050 Establishment of limits for storage of liquefied petroleum gas.

The limits referred to in Section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built-in fire protection or firefighting facilities or topographical conditions, and the district's firefighting capabilities, may permit the installation of liquefied petroleum gas containers in approved locations, and then only when approval has been obtained pursuant to Section 8202 of the Uniform Fire Code.

(Ord. 00-1084 § 1 (part))

8.12.060 Establishment of limits for storage of compressed natural gas.

The limits referred to in Section 5204.5.2 of the Uniform Fire Code in which the storage of compressed natural gas storage is prohibited, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built-in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of compressed natural gas in approved locations pursuant to Section 5204.

(Ord. 00-1084 § 1 (part))

8.12.070 Establishment of limits for storage of stationary tanks of flammable cryogenic fluids.

The limits referred to in Section 3-1.5 of the Uniform Fire Code Standard 80-3, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built-in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of flammable cryogenic fluids in stationary containers in approved locations.

(Ord. 00-1084 § 1 (part))

8.12.080 Establishment of limits for storage of hazardous materials.

The limits referred to in Section 8001.1.1 of the Uniform Fire Code, in which the storage of hazardous materials is prohibited, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built-in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of hazardous materials pursuant to the provisions of Article 80.

(Ord. 00-1084 § 1 (part))

8.12.090 Enforcement of code.

Notwithstanding provisions in the Uniform Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g., Sections 103.3.1.1 and 1001.5.2, or provisions providing for enforcement of the code, such inspections, testing and enforcement of the code shall be discretionary by the chief and other individuals charged by the chief with such activities. The district recognizes that it has limited financial resources with which to provide fire, rescue and other services and functions and is forced to make public policy decisions as to allocation of district resources. Although the district places a high priority on prevention, inspection and maintenance of fire systems, as a policy matter the board has determined that it does not have the financial capabilities to require or enforce these activities. Accordingly, although the fire chief and other individuals charged by the chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the fire chief. It is the intention of the district to make clear that the district does not have a mandatory duty to perform the inspections and testing, or to take enforcement actions, as set forth in the code. Such actions are discretionary.

(Ord. 00-1084 § 1 (part))

8.12.100 Amendments made in the Uniform Fire Code.

The 1997 Edition of the Uniform Fire Code is amended and changed in the following respects:

1. Section 101.8.1 is amended by adopting the appendices listed below:

The provisions of the following appendices are adopted as part of this code. I-C, I-D, I-E, I-F, I-G, II-A, II-B, II-C, II-D, II-I, II-J, III-A, III-C, III-F, IV-A, V-A, V-B, VI-A, and VI-F.

2. Section 103.2.1.1 is amended by deleting the word "and" at the end of number 7, adding a

comma to the end of number 8, and adding the following:

9. The adequacy of means of approach to buildings and structures by mobile fire apparatus and firefighting personnel,

10. Providing firefighting water supplies and fire detection and suppression apparatus adequate for the protection of buildings and structures,

11. Issuance of permits before burning trash or waste material, and

12. Inspection of premises by officers designated by the Chief and requiring removal of fire and life safety hazards found on premises at such inspections.

3. Section 103.3.1.1 is amended by replacing the word "shall" with "may" in the first sentence.

4. Section 103.4.4 is amended by replacing the word "misdemeanor" with "violation of the Fire Code (see ORS 478.930 and 478.990)."

5. Section 103.4.5 is amended by deleting the last sentence of that section, as follows:

See the procedure specified in Chapters 4 through 9 of the *Uniform Code for the Abatement of Dangerous Buildings.*

6. Section 105.8 is amended by deleting all permits, except the following:

c.2 Carnivals and fairs

e.1 Explosives or blasting agents

f.3 is amended as follows: Delete entire section except the following:

6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of flammable or combustible liquid tank.

h.4 Haunted Houses

i.1 Liquefied petroleum gases

p.3 Pyrotechnical special effects material

t.1 Tents, canopies and temporary membrane structures.

7. Section 901.4.5.1 is added as follows:

901.4.5.1 No Parking Signs.

1. Signs shall read "NO PARKING - FIRE LANE - TOW AWAY ZONE, ORS. 98.810 to 98.812."

2. Vertical no parking signs shall be mounted with a clear space above ground level of 7 feet high.

3. Vertical or no parking signs shall be 12 inches wide by 18 inches high. Signs shall have read or black letters and border on a white background.

8. Section 901.4.5.2 is added as follows:

901.4.5.2 Curb and Surface Marking. Fire access roads and curbs shall be painted red or yellow and be posted "No Parking Fire Lane" at each 25 feet. Lettering shall be white on the red background or black on yellow background and shall have a stroke of 1-inch wide by 6-inches high. Roadway driving surfaces, at the discretion of the chief, shall be painted with 6-inch diagonal striping. The color of striping shall be red or yellow against a high contrast background.

9. Section 902.2.1 is amended by adding the following:

Twenty-five or more dwelling units shall have not less than two or more approved fire apparatus access roadways.

Exception: 1. When Group R, Division 1 Occupancies are provided with automatic sprinkler protection in accordance with UBC Standards 9-1 or 9-3 a single access may be provided when approved by the chief. All other provisions for fire apparatus access roadways shall be complied with as specified herein.

2. When Group R, Division 3 Occupancies are provided with automatic sprinkler protection in accordance with National Fire Protection Association Standards 13D, 1996 Edition, a single access may be provided when approved by the chief.

10. Section 902.2.2.5 is amended to read as follows:

902.2.2.5 Bridges. Private bridges on required fire apparatus access roadways shall be designed and constructed in accordance with the State of Oregon Department of Transportation and American Association of State Highway and Transportation Officials Standards. Design load shall conform with HS-25 of greater. The design and specifications for bridges shall be prepared by a State of Oregon registered professional engineer. A building permit shall be obtained for the construction of the bridge when required by the building official. The design engineer shall prepare a special inspection and structural observation program for approval by the building official when a permit is required or approval by the fire chief when a permit is not required. The design engineer shall give, in writing, final approval of the bridge to the fire department after construction is completed. Maintenance of the bridge shall be the responsibility of the party(ies) that use the bridge for access to their property(ies). The fire district may at any time, for due cause, ask that a registered engineer inspect the bridge for structural stability and soundness at the expense of the property owner(s) the bridge serves.

11. Section 902.2.4.1 is amended by adding the following to the end of the section:

The chief may order any vehicle to be removed which is in violation of the Uniform Fire Code and/or is

an obstruction to suppression of fire. If the vehicle is left unattended, the chief may cause the vehicle to be towed with all expenses incurred by the owner.

12. Sections 902.4.1 through 902.4.4 are added as follows:

902.4.1. Required Key Boxes. Key boxes shall be installed on buildings and structures if:

1. an elevator is installed;

2. if equipped with an automatic fire extinguishing system;

3. if equipped with a fire alarm system; or,

4. if, access is restricted due to security arrangements.

Exception: Buildings and structures open and supervised twenty-four hours a day, seven days a week or constantly attended.

902.4.2 Key Box Mounting Location. Key boxes shall be installed within twenty feet of the main entrance (address entrance).

The bottom of the key box shall not be less than eight feet nor more than ten feet above the walking surface unless approved by the Chief or authorized representative.

Exceptions: 1. In multi-tenant buildings (each with their own outside entrance) the key box shall be located at the door that will best and most easily gain access to automatic sprinkler system controls, alarm system controls, etc.

2. For other configurations, the Fire Marshal's Office shall be contacted for installation instructions.

902.4.3 Key Box Contents. Key boxes shall contain the following:

1. building or structure keys;

2. gate key;

3. elevator recall key;

4. elevator door key;

5. alarm systems keys and operation instructions;

6. automatic fire extinguishing system control valve keys.

and may contain the following:

1. emergency personnel contact numbers;

2. hazardous materials safety data sheets

902.4.3.1 Labeling. All keys shall be labeled as to their use, i.e., main entrance, alarm control panel, sprinkler room door, etc.

902.4.4. Key Box Size. The size of the key box shall be sufficient to contain all necessary keys and/or equipment.

13. Section 903.2 is amended by replacing the prescribed distance of 150 feet with a distance of 250 feet.

14. Sections 903.3 through 903.3.2 are amended and added as follows:

903.3 Required Fire Flow: No building shall be constructed, altered, enlarged, moved, or repaired in a manner that by reason of size, type of construction, number of stories, occupancy, or any combination thereof creates a need for a fire flow in excess of 3,000 gallons per minute at 20 pounds per square inch residual pressure, or exceeds the available fire flow at the site of the structure. The requirements for determining fire flow for all buildings are as set forth in the Uniform Fire Code, Appendix III-A, in areas with municipally developed water supplies; For rural areas where no municipally developed water supply is available, see the National Fire Protection Association (NFPA) Standards 1231, 1993 Edition, *Standard on Water Supplies for Suburban and Rural Firefighting,* where is hereby adopted and by this reference becomes a part of this ordinance.

EXCEPTION: Fire flow requirements in excess of 3,000 gallons per minute may be allowed if, in the opinion of the chief, all reasonable methods of reducing the fire flow have been included within the development and no unusual hazard to life and property exists.

Existing buildings that require a fire flow in excess of 3,000 gallons per minute are not required to comply with the fire flow requirements of this section. However, changes in occupancies or the character of occupancies, alterations, additions or repairs shall not further increase the required fire flow for buildings.

903.3.1 Rural Water Supply: Outside of the boundaries of a municipal type water supply, the water supply for firefighting shall be provided in accordance with NFPA 1231.

Commercial occupancies shall be equipped with a smoke alarm system installed in accordance with UFC Standard 10-2 and supervised by an approved remote central station.

Note: Credit for installation of alarm systems as specified in Appendix II-A is not applicable to this section.

EXCEPTIONS: 1. In other than the occupancies listed in ORS 479.010(I) (i), where in the opinion of the chief the loss of a structure would not incur substantial impact on the community

financially, commercial occupancies shall be equipped with a smoke detection system installed throughout complying with Uniform Fire Code Standards 10-2 and 10-3 that is monitored by a remote central station which has been approved by the chief.

2. When there are not more than one each, Group R, Division 3 and Group U occupancies or agricultural building, as defined by ORS 455.315, on a single parcel of not less than once acre, the requirements of this section may be modified provided, the Group R, Division 3 occupancy does not require a fire flow in excess of 1500 gpm (based on NFPA Standard 1231) and in the opinion of the chief, firefighting or rescue operations would not be impaired.

3. When smoke detection would produce adverse or false alarms, upon judgment of the chief, fixed temperature or rate of rise heat detection may be substituted.

903.3.2 Municipal or Public Water Supply: An approved water supply for areas inside water districts or municipally developed water supplies (private or public) capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings are moved or portions of buildings are hereafter constructed.

EXCEPTION: Exceptions #1 and #2 of Section 903.3.1 may be applied to Section 903.3.2.

15. Sections 903.4.2.1 through 903.4.2.5 are added as follows:

903.4.2.1 Commercial Buildings. Fire hydrants shall be located so that no portion of the exterior of a commercial building is more than 250 feet from a fire hydrant as measured in an approved manner around the outside of the structure and along the approved route of travel accessible to fire apparatus. The minimum number of hydrants shall be determined by dividing the required fire flow by 1500 gallons per minute prior to giving credit for fire protection systems in Appendix III-A. When the above calculation results in a fraction of a hydrant equal to or greater than .5 the next larger whole number of hydrants shall be used. The minimum number of hydrants for a structure shall not be less than 2.

EXCEPTIONS: (1) When such buildings are protected throughout with an approved automatic fire extinguishing system, the chief may allow variations up to a maximum of 500 feet, provided adequate protection is maintained.

(2) Temporary and portable structures used at construction sites when both the following conditions are provided;

A. When the structures are not less than 40 feet from the primary structure(s) under construction or buildings on adjacent properties.

B. When the combined areas of the temporary portable structures are not greater than 2,500 square feet in size. Areas of structures may be considered as separate when there is 40 feet or more between each group of buildings. The square footage of cargo containers shall also be included in the area.

903.4.2.1.1 following shall be considered when evaluating the numbers of fire hydrants for a structure.

1. Existing hydrants in the area may be used to meet the required number of hydrants; however, hydrants that are over 500 feet away from the nearest point of the subject building shall not be considered to contribute to the required number of hydrants.

2. Hydrants that are separate from the subject building by railroad tracks shall not contribute to the required number of hydrants.

3. Hydrants that are separated by divided highway, freeway or heavily traveled collector streets shall not contribute to the required number of hydrants.

4. Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the chief.

5. Private hydrants or public hydrants that are on adjacent private property shall not contribute to the required number of hydrants for the subject property.

> Exception: The use of hydrants located on other private property may be considered if their locations and access are encumbered in a legal document (such as a deed restriction) by the owners of the involved parcels of property. The encumbrance may be lifted only after approval of the chief on behalf of the fire department and any other governmental agencies that may require approval.

6. When evaluating the placement of hydrants at apartment or industrial com- plexes the first hydrant(s) to be placed shall be at the primary access and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the above requirements for spacing and minimum numbers of hydrants.

903.4.2.2 Non-Commercial Building. Un- less otherwise approved by the chief, fire hydrants shall be placed at each intersection. Intermediate hydrants are required when the distance to any part of a non-commercial building exceeds 500 feet as measured in an approved manner around the outside of the structure and along a route of travel accessible to fire apparatus.

Note: For the purpose of Section 903, a "commercial building" means a building used for other than Group R Division 3 (when built as one or two family dwellings), Group U, or agricultural occupancies as defined in the Building Code.

903.4.2.3 Fire Department Connection Pressurized Hydrants. Fire hydrants on private water mains that are required to be pressurized by a fire department connection shall not be considered to contribute to the requirements of Section 903.4.2.2 unless approved by the chief.

903.4.2.4 Fire Hydrant Distance from Driving Surface. Fire hydrants shall be placed not more than 15 feet from an approved access roadway unless specifically approved by the chief.

903.4.2.5 Fire Department Connections. Fire department connection(s) shall not be attached to the protected structure unless approved by the chief. Each building shall be provided with its own fire department connection unless approved by the Chief. Fire department connection(s) shall be located

within 70 feet (21 336 mm) of a fire hydrant.

Exception: Fire department connections (fdc) may be placed on buildings classified as Group R, Division 1 Occupancies, not more than 4 stories in height, and used exclusively for dwellings with or without attached private garages for the storage of pleasure automobiles, provided all of the following conditions are fulfilled.

1. There shall not be more than 70 feet from the driving surface of an approved access roadway to the fdc. This measurement shall be made along an unobstructed, 3 foot wide, approved access walkway. Oregon Structural Specialty Code, Chapter 10 shall be used to determine the provisions of an approved access walkway.

2. A fire hydrant shall be located not more than 500 feet from the fdc. The measurement shall include the 70 feet in item 1.

3. The fire hydrant shall be placed on the same side of the access roadway as the fdc unless there is at least one additional approach to the building by an approved access roadway.

4. Fire department connections shall be located on buildings so that they are at an easily accessible location and no closer than 3 feet to a building opening.

5. There shall be a fire alarm signaling device in the form of a horn/strobe located not less than 8 feet above grade directly over the fdc(s).

16. Section 1006.1 is amended by adding the following exception:

EXCEPTION: Oregon Mechanical Code Interpretive Rule 92-13 provides when equipment is limited to a maximum of two domestic ranges in locations such as churches, lodge halls, employee kitchens and similar occupancies where cooking practices are limited to infrequent cooking of meals and/or reheating of limited quantities of foodstuffs which as performed does not create grease - laden vapor, a Class II ventilating hood may be installed in accordance with the Mechanical Code.

NOTE: The use of this exception may be revoked by the chief or building official for due cause requiring the installation of a Type I hood.

17. Section 1006.2.7 is amended as follows:

1006.2.7 Portable fire extinguishers. An approved portable fire extinguisher having a minimum rating of 40-B shall be installed within 30 feet (9144 mm) of commercial food heat-processing equipment, as measured along an unobstructed path of travel, in accordance with UFC Standard 10-1.

18. Section 1007.2.1.1.1 is added follows:

1007.2.1.1.1 Non-required fire alarm systems (NFAS). Non-required fire alarm systems may be installed as follows:

1. Applicants shall be required to obtain a building permit for a NFAS, which will require a plan review and approval.

2. The NFAS shall be installed in accordance with UFC Standard 10-2 and any manufacturers specifications throughout the room or area.

3. There shall be a single fire alarm panel serving an NFAS. The fire alarm panel shall be capable of serving a complete fire alarm system installed in accordance with UFC Standard 10-2.

4. If a required fire alarm system (RFAS) is installed, a NFAS system, when installed, must be connected to the RFAS for notification purposes. The connection shall be compatible and compliant with all applicable and recognized standards.

5. Property/building owners shall assure that the NFAS is maintained and operates with the RFAS, if present, as one system to all applicable and recognized standards.

6. If at any time the NFAS is not installed to recognized standards, fails testing, or is not maintained, it will be deemed non-compliant and in violation of the Fire Code. If the NFAS is not installed to recognized standards, fails testing, or is not maintained as part of the RFAS, both will be deemed non-compliant and in violation of the Fire Code.

7. Removal of an existing NFAS requires prior approval from the Fire Marshal. Disconnecting an NFAS is prohibited.

19. Section 1007.2.7.1.2 is amended to read as follows:

1007.2.7.1.2 Patient room smoke detectors. Approved smoke detectors shall be installed in patient sleeping rooms of hospital and nursing homes and shall be intertied with the building fire alarm system. Actuation of such detectors shall cause a visual display on the corridor side of the room in which the detector is located, cause an audible and visual alarm at the respective nurses' station and shall initiate a signal to an approved remote central station. When smoke detectors and related devices are combined with a nursing call system, the nursing call system shall be listed for the intended combined use.

20. Section 1007.3.3.3.1 is amended by adding an exception as follows:

EXCEPTION: Single-station detectors in dwelling units, rooms used for sleeping purposes in hotel and lodging houses.

21. Section 1007.3.3.7 is amended to read as follows:

1007.3.3.7 Annunciation. Fire alarm systems shall be divided into alarm zones when required by the chief. When two or more alarm zones are required, fire protection signaling systems shall be divided into zones to assist in determining the fire location. The annunciation of all zones and device identification shall be on electrically supervised initiating circuits to the main fire alarm control panel. Alarm, supervisory and trouble signals shall be annunciated in the main control panel and in any required remote annunciator panels by means of an audible signal and a visual display. Such

annunciation shall indicate the building, floor, zone or other designated area from which the alarm or trouble signal originated. For the purpose of annunciation, zoning shall be in accordance with the following:

1. When the fire-protective signaling system serves more than one building, each building shall be considered as a separate zone.

2. Each floor of a building shall be considered as a separate zone.

3. Each section of floor of a building that is separated by area separation walls or by horizontal exits shall be considered as a separate zone.

4. Annunciation shall be further divided into zones where deemed necessary by the authority having jurisdiction.

5. Identification of the type of alarm, initiating devices such as manual, automatic, sprinkler water flow, sprinkler supervisory switches, etc., shall be separately indicated on electrically supervised initiating circuits to the main fire alarm control unit.

22. Section 1107.1 is amended by adding the following subsections:

1. The use of portable electric heaters and fuel fired space heaters in Groups I and SR Occupancies is prohibited.

2. All portable electric heating devices shall have a high-temperature limiting device and tip-over switch. Use of unvented fuel fired space heaters shall be approved by the Chief.

23. Article 11 is amended by adding Section 1114, Collection and Storage of Combustible Recyclable Materials, to read the same as the State Fire Marshal's amendment to the Uniform Fire Code. (see attachment #1 to the ordinance codified in this chapter).

24. Section 1303.1.1 is added as follows:

1303.1.1 Area of rescue assistance. When the Exceptions to Section 1107.1 of the Oregon Structural Specialty Code are utilized in order to omit an area of rescue assistance, the District's operational guidelines 300I shall serve as the approved written fire and life safety plan.

25. Article 13 is amended by adding "When required by the Chief," to the beginning of Section 1303.3.1. (The remainder of Section 1303.3.1 remains the same.)

26. Section 2402.3 is amended by adding an exception as follows:

EXCEPTION: In lieu of an issued identification card, the employer shall make available to the inspector the training and/or certification file on each qualified fuel operator. This file shall contain all information pertinent to the individual's certification to operate aircraft-refueler units.

27. Section 2402.8.2 is amended by adding an exception as follows:

EXCEPTION: When the fueling equipment is bonded to the aircraft by use of a cable providing a conductive path to equalize potential between the two, a separate wire to ground will not be required.

28. Section 2402.8.3 is amended by adding an exception (2) as follows:

2. For overwing fueling, the person stationed at the fuel pumping equipment shall not be required when: the person at the dispensing device is within 75 feet (22.8 M) of the emergency shutoff device, and is not on the wing of the aircraft during fuel transfer, and the dispensing line does not exceed 50 feet (15.24M) in length.

29. Section 2902.5.1 is amended by adding the following sentence to the end of the paragraph:

and electrical and fuel-burning equipment shall comply with Sections 5202.6, 5202.7.2 and 7904.4.

30. Section 4501.2.1 is amended by adding the following:

4503.2.1 General; For definitions of SPRAY BOOTH, SPRAYING AREA and SPRAYING ROOM, see Article 2

4501.2.2 Limited application. For the purpose of Article 45. certain terms are defined as follows:

MANUFACTURING AREA is any location used in the fabrication or assembly of materials utilizing polymerization.

OVERCHOP is the residue that accumulates from the normal chopper-gun operation during the manufacturing process.

THERMOSETTING PLASTIC is a plastic that, after having been cured by heat or other means, is substantially infusible and insoluble.

31. Section 4502.3.3. is amended to read as follows:

4502.3.3 Filter disposal. Discarded filter pads shall be immediately placed in a non-combustible container with a tightfitting lid and disposed of in accordance with hazardous materials waste regulations.

32. Sections 4506 and 4506.1 are amended as follows:

Section 4506 -- ORGANIC PEROXIDES AND DUAL-COMPONENT COATINGS AND THERMOSETTING PLASTICS.

4506.1 General. Areas containing manufacturing operations producing thermosetting plastics using hazardous materials similar to those listed in Table 4506-a shall be in accordance with this article. Such operations include, but are not limited to, hand lay, spray-up, resin, transfer molding, bag molding,

filament winding, centrifugal casting, continuous laminating and casting.

33. Section 4506.1.4 is amended by adding the following to the end of the paragraph:

Catalyzed resins and overchop residues shall conform to the following:

1. Catalyzed resins. Excess catalyzed resin shall be disposed of in open topped noncombustible containers provided with noncombustible bar screens, large mesh wire screens or other means to support individual containers through which surplus catalyzed resin can be poured and upon which other containers can be placed. The containers for disposed resin shall contain water at least 2 inches (51 mm) deep into which the excess resin shall be poured and allowed to cure.

2. Overchop. Paper polyethylene film or similar materials shall be used to cover exposed surfaces of the walls and floor in areas where chopper guns are used to allow build-up of overchop to be readily removed. When the accumulation depth of over-chop has reached an average thickness of 2 inches (51 mm) in the manufacturing area, it shall be disposed of after a minimum of four hours curing.

34. Article 45 is amended by adding Table 4506-2 as follows:

TABLE 4506-2-CLASSIFICATION OF
TYPICAL HAZARDOUS MATERIALS USED IN
THERMOSETTING PLASTIC
MANUFACTURING OPERATIONS
REGULATED BY ARTICLE 45.

MATERIAL	HAZARD CLASSIFICATION
Acetone	FLI-B-IRR
MEK P/9% A/ODMP	OPIII, CLII-B, OHHH, IRR
MEK P/9% AO/Glycols	OPIV, CLII-B, OHH, IRR
MEK P/5.5% AO/DMP	OPIV, CLII-B, OHH, IRR
Polyester resin	FLI-C, FRR, OHH, URI OR UR2
Vinyl ester resin	FLI-C, IRR, OHH, URI, OR UR2
Styrene monomer	FLI-C, IRR, OHH, UR2

The Unstable Reactive nature of resins containing styrene monomer may be Class 1 of Class 2 depending on the concentration of styrene. Concentrations of styrene including but not limited to concentrations of 45 & have been demonstrated to possess Class 2 hazards. Testing by a qualified testing laboratory may be used as a means to identify the hazard of the specific formulations in storage or use.

Key:	
FLI-B = Flammable liquid, Class I-B	FLI-C=Flammable liquid, Class I-C
CLIII-B = Combustible liquid Class III-B	OPIII = Organic Peroxide, Class III

OPIV = Organic Peroxide, Class IV	IRR - Irritant
OHH - Other health hazard	UR1 = Unstable reactive, Class 1
UR2 = Unstable reactive, Class 2	MEKP = Methyl ethyl ketone, peroxide
AO = Active Oxygen	DMP = Dimethyl Phthalate

* depending on styrene content

35. Section 5101 is amended by adding "See Article 45 for Thermosetting Plastics" to the end of the sentence.

36. Section 5101.10.4.3.1 is amended by revising the last sentence to read, "The requirements of Section 8003.3.1.6 shall also apply".

37. Section 5201.2 is amended by adding the terms "Primary Tank" and "Protected Aboveground Tank" to the list of definitions.

38. Section 5201.3.2 is amended to read as follows:

1. Flammable and Combustible Liquids: Type and design of underground and aboveground liquid storage tanks; quantity and types of liquids to be stored; location and design of the fuel dispensers and dispenser nozzles; distances from tanks dispensers to tanks; property lines and buildings; vehicle access; fire appliances; vehicle impact protection; method of storage and dispensing; over-fill protection; spill containment; vents; vapor recovery; other equipment and accessories; seismic design in accordance with the Building Code; secondary containment; design and specifications for related piping, valves and fittings; location and classification of electrical equipment, including emergency fuel shutdown devices; specifications for fuel storage and venting compounds; and other information as required by the chief.

39. Section 5202.3.1 is amended to read as follows:

5202.3.1 General. Class I, II and III-A liquids shall be stored in closed containers, in tanks located underground, in special enclosures in accordance with Section 5202.3.6 or, when approved, in protected aboveground tanks in accordance with Section 5202.3.7. See also Appendix II-K.

For locations where aboveground tanks are prohibited, see Section 7902.2.2.1.

40. Section 5202.3.7 through Table 5202.3.7-A are amended to read as follows (renumber remaining sections):

5202.3.7 Protected aboveground tanks. When approved, the storage and dispensing of motor fuels into the fuel tanks of motor vehicles from protected aboveground tanks located outside buildings are allowed in accordance with this section and Section 7902.1.9.

5202.3.7.1 Size. Primary tanks of protected aboveground tanks shall not exceed a 12,000-gallon (45 425 L) individual or 48,000-gallon (181 700 L) aggregate capacity. Tank installations having the maximum

allowable aggregate capacity shall be separated from other installations of protected aboveground tanks by not less than 100 feet (30 480 mm).

5202.3.7.2. Separation distances. Dispensing devices are allowed to be installed on top of or immediately adjacent to protected aboveground tanks.

5202.3.7.4. Signs. Warning signs and identification signs shall be installed to clearly identify the hazards. The design of such signs shall be in accordance with Sections 5201.8 and 7901.9. Conspicuous signs prohibiting simultaneous tank filling and fuel dispensing shall be posted.

TABLE 5202.3.7-A -- MINIMUM SEPARATION REQUIREMENTS FOR PROTECTED ABOVEGROUND TANKS

INDIVIDUAL TANK CAPACITY gallons (liters)	MINIMUM DISTANCE FROM PROPERTY LINE THAT IS OR CAN BE BUILD UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY feet (mm)	MINIMUM DISTANCE FROM THE NEAREST SIDE OF ANY PUBLIC WAY OR FROM THE NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY feet (mm)	MINIMUM DISTANCE BETWEEN TANKS feet (mm)
Less than or equal to 6,000 (22 712)	15 (4572)	5 (1524)	3 (914)
Greater than 6,000 (22 712)	25 (7620)	15 (4572)	3 (914)

41. Section 5202.4.1 is amended by adding the following sentence to the end of the paragraph, "or, when approved, such tanks are protected aboveground tanks meeting the requirements of Section 5202.3.7. See also Appendix II-K."

42. Sections 5202.11.6.1 through 5202.11.-6.1.2 are amended to read as follows:

5202.11.6.1 Standpipes. Piers, wharves and floats at marine motor vehicle fuel-dispensing stations with any portion in excess of 250 feet (76 200 mm) from fire apparatus shall be equipped with an approved wet standpipe system installed in accordance with Article 10.

EXCEPTION; Waterlines shall normally be dry where subject to freezing temperatures.

Hose stations shall be spaced to provide to any portion of docks, piers, wharves or floating craft. Hose stations shall be labeled FIRE HOSE EMERGENCY USE ONLY. Tests and valving shall be approved by the chief.

5202.11.6.1.1 Access and water supply. Piers and wharves shall be provided with fire apparatus access roads and water supply systems. Access roads shall be maintained in accordance with Section 902.2. Water supply systems shall be in the form of on-site fire hydrants or as required by the chief.

5202.11.6.1.2 Sprinkler system. Piers and wharves shall be installed with an automatic sprinkler system

when required by the Building Code.

43. Section 5204.9.2 is added as follows:

5204.9.2. Emergency breakaway devices. Dispenser hose for compressed natural gas dispensing system for containers or vehicle resales shall be equipped with a listed emergency breakaway device designed to retain liquid and vapor on both sides of a breakaway point. Such devices shall be installed and maintained in accordance with the manufacturer's instructions.

44. Section 7503.3.2.1 is amended as follows:

7503.3.2.1 Transfilling of liquid oxygen containers user for respiration. In buildings where transfilling of containers are used for respiration, all containers involved with the transfilling are limited to a maximum of 72 pounds. Transferring shall be on bare concrete floors with no combustible seams. The room shall be separated from the exitways and have ventilation to handle the off gassing of the containers. Refer to article 90 section c.1.3.

45. Section 7701.2.1 is amended to read as follows:

7701.2.1 General. For definitions of BLASTING AGENT; BULLET RESISTANT; EXPLOSIVE; GUNPOWDER; INHABITED BUILDING; SPECIAL INDUSTRIAL EXPLOSIVE DEVICE; SPECIAL INDUSTRIAL HIGH-EXPLOSIVE MATERIAL; and TEST BLASTING CAP NO. 8, see Article 2.

46. Sections 7701.3.3 through 7701.3.5 are amended as follows:

7701.3.3 Standards. NFPA 495, 1996 Edition, Code for Explosive Materials, excluding Chapter 2, is hereby adopted and made part of this code.

7701.3.4 Possession of explosives. These rules shall apply to all persons possessing and/or purchasing explosives as defined in Section (1) or ORS 480.200.

> ORS 480.200 is not a part of this code but is reproduced or paraphrased here for the reader's convenience:
>
> ORS 480.200 (1) provides the definition for the term "explosive".

7701.3.5 Application and issuance of certificate-fees (Effective October 14, 1983). Any person desiring a certificate of possession of explosives, as prescribed by ORS 480.230, shall apply on the forms provided by the Office of State Fire Marshal. The applicant shall obtain the signature of the respective chief or designated assistant in whose jurisdiction the explosives will be purchased, stored, or used, indicating that the chief has been notified of their intent to purchase, store, or use explosives in the chief's jurisdiction. Upon receiving the signature from the chief, the applicant shall forward the completed form to the Office of State Fire Marshal, accompanied by a nonrefundable $15.00 fee for a three - year certificate or $7.00 fee for a 90 - day certificate. Upon receipt and verification of the completed application form, bearing the signature of the chief, and the appropriate application fee, the

State Fire Marshal shall proceed with the investigation prescribed in ORS 480.235. Based on the findings of the investigation, the State Fire Marshal shall either issue or deny the certificate of possession of explosives. Upon issuance of the certificate of possession of explosives, the State Fire Marshal shall forward notification of the certificate's issuance to the chief who signed the application and the appropriate county sheriff. Upon denial of the application, based on the findings of the investigation, the State Fire Marshal shall notify the applicant in writing per ORS 480.275. The certificate shall be in effect from the date of issue for the time periods specified in ORS 480.235(3).

ORS 480.225, 480.230, 480.235 and 480.275 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:

ORS 480.224 and 480.230 define eligibility and requirements for an individual applying for a certificate of possession and the fees required.

ORS 480.235 defines the waiting period for issuance of certificates; investigation of applicants; terms; assignment or transfer prohibited; and records required.

ORS 480.275 defines the rights of the applicant in the event of a denial, including: hearings; notice; representation by counsel; decision; and judicial review.

47. Sections 7701.4 through 7704.8.3. are specifically deleted from the provisions of this chapter.

48. Section 7801.1 is amended by adding "and ORS 480.110 through 480.165" to the end of the paragraph and the following:

ORS 480.110 through 480.165 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 480.110 through 480.165 define the regulations for the following: 480.110-Definitions for Oregon fireworks laws; 480.120-Prohibited used for fireworks; 480.122-Use for repelling birds; 480.124-Use for controlling predatory animals; 480.127-Sales permits for certain items; 480.130-Permits required for sale or public display of fireworks: 480.140-Requirements for fireworks displays to be under supervision of police and fire department chiefs; 480.150-Permits for fireworks sales or displays; 480.152-Publication of advertisement for sale of unlawful fireworks; 480.154-Requirements for records; 480.156-Selling of fireworks to out-of-state residents; 480.158-Liability of parents for the costs incurred in suppressing fires caused by use of fireworks by minors; 480.160-The effect of local regulations on state law; 480.165-Civil penalty for fireworks law violations.

49. Section 7801.3.1 is amended by deleting the title (Fireworks) and replacing with "Pyrotechnic special effects material", and adding the following:

OAR 837-12-500 through 837-12-570 are not a part of this code but are reproduced or paraphrased for the reader's convenience.

OAT 837-12-570 through 837-12-570 define the laws and regulations for wholesale sales and

storage of pyrotechnics in Oregon.

OAR 837-12-600 through 837-12-675 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:

OAR 837-12-600 through 837-12-675 define the laws and regulations for retail sales and storage of pyrotechnics (allowed fireworks) in Oregon.

OAR 837-12-700 through 837-12-970 and OAR 837-12-021 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:

OAR 837-12-700 through 837-12-970 and OAR 837-12-021 define the laws and regulations for public displays of fireworks including special effects.

OAR 837-12-305 through 837-12-330 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:

OAR 837-12-305 through 837-12-330 define the laws and regulations for agricultural uses of fireworks in Oregon.

OAR 837-12-1000 through 837-12-1160 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:

OAR 837-12-1000 through 837-12-1160 define the laws and regulations for civil penalties for violation of Oregon's fireworks statutes and administrative rules as referenced in Article 78.

50. Add a new Section 7802.1.1 as follows:

7802.1.1 Temporary storage. Temporary storage of fireworks shall be in accordance with Section 307 of the Building Code.

51. Sections 7802.4 through 7802.4.9.8.10 are specifically deleted from the provisions of this chapter.

52. Section 7901.3.2 is amended to read as follows:

7901.3.2 Plans. Plans shall be submitted with each application for a permit to store more than 250 gallons (946 L)-of flammable or combustible liquids outside of buildings in drums or tanks. The plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, accessways, fire-protection facilities, and provisions for spill control and secondary containment. For additional plan requirements, see also Section 5201.3.2(1).

53. Add a new Section 7901.13 as follows:

7901.13 Maintenance of Protected Aboveground Tanks. Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be

maintained in accordance with their listings.

Damage to protected aboveground tanks shall be repaired using materials having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

54. Section 7902.1.8.2.1 is amended by adding a last sentence to read as follows:

Protected aboveground tanks shall be listed and shall meet the requirements specified in UFC Standard 79-7 and shall be labeled accordingly.

55. Sections 7902.1.9 through 7902.1.9.12 are added as following (renumber remaining sections):

7902.1.9 Additional requirements for protected aboveground tanks.

7902.1.9.1 General. The installation of protected aboveground tanks shall be in accordance with Section 7902.1.9.

7902.1.9.2 Tank Construction. The construction of a protected aboveground tank and its primary tank shall be in accordance with Section 7901.1.8.2.1.

7902.1.9.3 Normal and emergency venting. Normal and emergency venting for protected aboveground tanks shall be provided in accordance with Sections 7902.1.11 and 7902.2.6. The vent capacity reduction factor as provided for in Section 7902.2.6.3.4 shall not be allowed.

7902.1.9.4 Flame arresters. Approved flame arresters or pressure-vacuum breather valves shall be installed in normal vents.

7902.1.9.5 Projectile protection. When projectile protections is required by the chief, the protected aboveground tank shall comply with the requirements for bullet resistance as specified in Section 7702.3.4.3. See also UFC Standard 79-7, Section 79.702.7.3.

7902.1.9.6. Secondary containment. Protected aboveground tanks shall be provided with secondary containment, drainage control or diking in accordance with Section 7901.8 or 7902.2.8.

7902.1.9.7 Vehicle impact protection. When subject to vehicular impact, protected aboveground tanks shall be provided with impact protection in accordance with this section. Protected aboveground tanks with piping connected to remote dispensers shall be protected by guard posts or other approved barriers. Protected aboveground tanks without piping connected to remote dispensers shall comply with the impact protection requirements of Section 79.702.7.2 of UFC Standard 79-7 or shall be protected by guard posts or other approved barriers. Where guard posts or other approved barriers are provided, they shall be independent of each protected aboveground tank.

Where subject to vehicular impact, piping and electrical conduit connected to protected aboveground tanks shall be provided with impact protection.

Impact protection provided by guard posts shall be in accordance with Section 8001.11.3.

7902.1.9.8 Overfill protection. Protected aboveground tanks shall not be filled in excess of 90 percent of their capacity. An overfill prevention system shall be provided for each tank. During tank filling operation, the system shall:

1. Provide an independent means of notifying the person filling the tank that the fluid level has reached 85 percent of tank capacity by providing an audible or visual alarm signal, providing a tank level gage marked at 85 percent of tank capacity, or other approved means, and

2. Automatically shut off the flow of fuel to the tank when the quantity of liquid in the tank reaches 90 percent of tank capacity. For rigid hose fuel-delivery systems, an approved means shall be provided to empty the fill hose into the tank after the automatic shutoff device is activated.

A permanent sign shall be provided at the fill point for the tank documenting the filling procedure and the tank calibration chart. The filling procedure shall require the person filling the tank to determine the gallonage required to fill it to 90 percent of capacity before commencing the fill operation.

7902.1.9.9 Fill pipe connections. The fill pipe shall be provided with a means for making a direct connection to the tank vehicle's fuel-delivery hose so that the delivery of fuel is not exposed to the open air during the filling operation. When any portion of the fill pipe exterior to the tank extends below the level of the top of the tank, a check valve shall be installed in the fill pipe not more than 12 inches (304.8 mm) from the fill hose connection. See Section 7901.11.4 for tank valves.

7902.1.9.10 Spill containers. A spill container having a capacity of not less than 5 gallons (18.9 L) shall be provided for each fill connection. For tanks with a top fill connection, spill containers shall be noncombustible and shall be fixed to the tank and equipped with a manual drain valve which drains into the primary tank. For tanks with a remote fill connection, a portable soil container shall be provided.

7902.1.9.11 Tank openings. Tank openings in protected aboveground tanks shall be through the top only.

7902.1.9.12 Antisiphon device. Approved antisiphon devices shall be installed in each external pipe connected to the protected aboveground tank when the pipe extends below the level of the top of the tank.

56. Sections 7902.2 through 7902.2.1 are amended to read as follows:

7902.2 Stationary Aboveground Tanks and Protected Aboveground Tanks Located Outside of Buildings.

7902.2.1 General. Stationary aboveground tanks located outside of buildings shall be in accordance with Sections 7902.1 and 7902.2. For the purpose of Section 7902.2, when the term tank is used, it shall include protected aboveground tanks.

57. Section 7902.2.6.1 is amended to read as follows:

7902.2.6.1 General. Stationary tanks shall be provided with adequate additional venting that will relieve excessive internal pressure caused by exposure to fires. Such venting shall also be provided for each compartment of a compartmented tank, the interstitial space of a secondary containment-type tank, and the enclosed space of a close-top dike tank construction. Enclosed spaces, such as those intended for insulation, membranes, or weather shields, which can contain liquid because of a leak from the primary vessel, shall also comply with the venting requirements.

58. Section 7902.2.6.3.4 is amended as follows:

7902.2.6.3.4 Reductions in required venting for stable liquids. For tanks, other than protected aboveground tanks, containing...(balance to remain unchanged)

59. Section 7902.2.8.1 is amended as follows:

7902.2.8.1 General. For aboveground tanks other than protected aboveground tanks, the area surrounding a tank or...(balance to remain unchanged)

60. Section 7902.2.8.2 is added as follows:

7902.2.8.2 Protected aboveground tanks. Protected aboveground tanks shall be provided with secondary containment, drainage control or diking in accordance with Section 7901.8 or 7902.8 or with secondary containment that is a component of the listed protected aboveground tank. The method of monitoring and the capacity of the secondary containment shall be in accordance with Section 7901.8. Enclosed secondary containment shall be provided with emergency venting.

61. Table 7902.2-A is amended by adding an additional row to the end of the table as follows:

Protected aboveground tank	See Section 7902.1.9	½ times Table 7902.2-F	½ times Table 7902.2-F

62. Section 7903.3.3 is amended to read as follows:

...are stored in protected aboveground tanks in accordance with Section 7902.1.9.

63. Section 8201 is amended by adding a paragraph to read:

Refer to ORS 480.410 through 480.460 and OAR 837-30-100 through 837-39-280 for administrative provisions pertaining to liquified petroleum gas licensing and notification of LP-gas installations.

64. Section 8202 is amended as follows:

8202.1 Permits and Plans. The Chief shall be notified prior to the installation of containers or receptacles approved for liquified petroleum gas, including installations at private homes and apartments.

EXCEPTION: The replacement of empty containers or receptacles with other containers constructed in accordance with the Interstate Commerce Commission specifications.

8202.2 Fees. All fees due and payable shall accompany the notification. The Chief shall collect from the installer an installation inspection fee to cover the cost of initial inspection by the Chief after installation. The installation inspection fee shall be set by ordinance.

8202.3 Plans. Where a single container is over 2,000-gallons (7571L) water capacity or the aggregate capacity of containers is over 4,000-gallon (15142L) water capacity, the installer shall submit plans for such installation prior to setting any tank(s).

65. Article 82 is amended by adding a new Section 8215 as follows:

Section 8215 -- Utility Plants.

8215.1 General. No person shall maintain or operate a liquified petroleum gas utility plant without first obtaining a permit from the Chief.

66. Article 82 is amended by adding a new Section 8216 as follows:

Section 8216 -- Licenses.

8216.1 General. No person shall engage in or work at the business of installing, altering, extending or repairing liquefied petroleum gas equipment or appliances unless the person has received a gas installation license from the State Fire Marshal in accordance with ORS 480.410 to 480.460, as now enacted.

67. Table 8204-A, Footnote 5 is amended as follows:

[5]The following shall apply to aboveground containers installed alongside buildings "and property lines";

68. Sections 8704.5.1 through 8704.5.1.3 are added as follows:

8704.5.1 Combustible Trash Chutes

8704.5.1.1 Combustible trash chutes shall not be used on non-sprinkled buildings.

Exception: Non-sprinkled Type I or Type II structures under initial construction prior to the installation of combustible interior finish or on preexisting non-combustible exterior buildings not exceeding four stories in height (48 feet) (14.6 m) with an approved safety plan.

8704.5.1.2 Combustible trash chutes when used on sprinkled buildings shall have an approved safety plan when the exterior is combustible or the building exceeds two stories (28 feet) (8.5 m) in height.

8704.5.1.3 An approved safety plan shall address the following:

1. A continuous fire watch (working hours only) stationed at the dropbox(es) with a continuous means of water application and a means of communication (radio or cell phone).

2. Water application shall be provided at each chute access opening or an approved barrier for each non exposed building opening and all exposed combustible exterior surfaces shall be provided. The approved barrier shall extend 3 feet (1 m) to each side of the chute.

3. Where water is required at the chute access, a trainer person shall be continuously assigned and an approved means of communication or alarm shall be provided.

4. Signage shall be placed at each chute access to the address: NO SMOKING, NO OPEN FLAME, NO WELDING OR CUTTING WITHIN 20 FEET (7M).

5. At the end of the day the chute shall be disconnected or removed to a distance of 12 feet (3.7 m) away from the drop box.

69. Section 9002 is amended as follows:

79-7; 7902.1.8.2.1, 7902.1.8.2.7, 7902.1.9.5, 7902.1.9.7 and 7903.3.3

Testing Requirements for Protected Aboveground Tanks

70. Section 9003 is amended by adding the following standard:

c.1.3. P-2.6-1995 Transfilling of Liquid Oxygen used for Respiration

71. Section 9003 is amended by adding the following standard:

u.1.17. UL 2085 Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids

72. Appendices I-D, I-E, I-G, II-K, and V-B are added to the ordinance codified in this chapter as written and adopted by the State Fire Marshal's Office. (See attachments #2, #3, #4, #5, #6 and #7 to the ordinance codified in this chapter.)

73. Appendix III-A is amended as follows:

Section 4 is amended:

4.2 Area Separation. Each portion of a building separated by one or more area separation wall(s), in accordance with the Uniform Building Code, Section 504.6 may be considered as a separate fire area(s) for the purpose of determining the required fire flow.

Section 5 is amended:

5.2 Buildings other than One and Two Family Dwellings. The required building fire flow and duration shall be determined by the size and construction type of the structure under consideration.

5.2.1 Occupancy Hazards

5.2.1.1 Single Occupancy Hazards. Where only a single occupancy hazard is housed in a building the minimum required building fire flow shall be multiplied by the hazard factor in Table A-III-A-2 to determine the required fire flow.

5.2.1.2 Multiple Occupancy Hazards. Where more than one hazard is housed in a building the minimum required building fire flow shall be proportioned by percentage of the floor area used for each occupancy hazard. The proportioned building fire flow shall be multiplied by the hazard factor, relating to that portion of the building in table A-III-A-2 and totaled to determine the required fire flow.

Table A-III-A-2

Light Hazard Occupancies	1.0
Ordinary Hazard (Group 1)	1.2
Ordinary Hazard (Group 2)	1.3
Extra Hazard (Group 1)	1.4
Extra Hazard (Group 2)	1.5

Note: For examples for Occupancy Hazard Classifications see UBC Volume 3, Standard 9-1, Appendix Section A-1-4-7.

5.2.2 The product of the multiplication in either Section 5.2.1.1 or Section 5.2.1.2 provides the total required fire flow.

5.2.3 The total required fire flow may be reduced by one of the following options, but in no case shall be less than 1500 GPM @ 20 psi residual.

1. Reduced by 75 percent where a complete approved automatic fire extinguishing system meeting the requirements of the Uniform Building Code, Chapter 9, is installed throughout the building and the system is fully and electrically supervised in accordance with the Uniform Fire Code Standard 10-2 and is monitored by an approved underwriters laboratory listed remote central station.

2. Reduced by 50 percent where a complete automatic fire extinguishing system meeting the requirements of the Uniform Building Code, Chapter 9 is installed throughout the building.

3. Reduced by 25 percent where an approved complete smoke sensing fire detection and manual fire alarm system is installed throughout the building and electrically interconnected one with the other and electrically intertied to an approved central receiving station. The smoke detection system shall meet the requirements of the Uniform Fire Code Standards 10-2 and 10-3, and manual fire alarm pull stations and systems shall meet the requirements of Uniform Fire Code Standard 10-2. The remote central station shall be Underwriters Laboratory listed and approved by the Chief. The smoke detection option may be revoked by the Chief when excessive false alarms may occur or when other potential conditions may cause malfunctioning of the system.

74. Appendix III-F is added and included as Attachment #8 to the ordinance codified in this chapter. (Ord. 00-1084 § 1 (part))

8.12.110 Penalties.

Any person who violates any of the provisions of these regulations adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a violation of the fire prevention code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the district to remedy the violation including costs of towing, storage or removal of the hazard or obstruction if necessary.

Any person who violates the provisions of ORS 478.960 (Burning of certain materials permitted only with permission of the Chief; Burning Schedule (1) through (8)) shall be guilty of a misdemeanor, shall severally, for each and every violation be punishable upon conviction as prescribed by ORS 478.990 and shall be subject to costs under 478.965.

The corporate counsel, the chief, or the Fire Marshal or designated representative may bring a complaint in law or in equity to alleviate a violation of this chapter as well as in addition to the rights to enforce this chapter under the provisions of ORS 478.930 and ORS 478.990.
(Ord. 00-1084 § 1 (part))

8.12.120 Plan review, submittal of plan for fire code approval.

Plans and specifications shall be submitted to the chief of the district or authorized representative for examination and approval with respect to conformance with these regulations and no construction shall proceed prior to such approval for the following: flammable liquid storage, utilization or transportation or dispensing facilities; facilities for the storage, handling, transport and use of explosives and blasting agents; dry cleaning plants; facilities for the storage, handling, use and transportation of liquefied petroleum gas; or any other building, structure or facility wherein highly combustible or hazardous materials are manufactured, utilized, dispensed, conveyed or stored.

When the chief or authorized representative approves any such plan it shall be so signified by means of a stamp and signature. All construction or alteration shall thereafter comply with the approved plan, in all respects, unless modified by subsequent written permit or order of the chief. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity and detail to permit the chief to determine the question of conformity with these regulations and shall include a plot plan showing type and location of the proposed buildings, structures, facilities and fire hydrant locations and access ways in relationship to the property lines, and all other buildings, structures and facilities proposed or existing on the premises. Approval of plans shall not be construed as a permit to violate any applicable law or regulation of the state, county, city, or fire district.
(Ord. 00-1084 § 1 (part))

8.12.130 Fire code board of appeals.

Through adoption of the Uniform Fire Code, 1997 Edition, the district has the authority to establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the district. In the event that the fire district board adopts a board of appeals, the provisions of this chapter, where appropriate, are subject to the board of appeals procedures.
(Ord. 00-1084 § 1 (part))

8.12.140 Repeal of conflicting ordinances.

Pursuant to ORS 478.924, the provisions of this chapter, i.e., the fire code, shall be controlling within the territorial limits of the district and within each city or county within the district approving pursuant to ORS 478.924. The existing fire code, Ordinance 96-01, has been approved within each city and county within the district. The district desires that the existing fire code continue in effect until such time as the cities and counties within the district have approved this new fire code codified in this chapter pursuant to ORS 478.924. Accordingly, Ordinance 96-01, and all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this chapter or of the code or standards adopted, are repealed, effective the date of the ordinance codified in this chapter; provided, however, that Ordinance 96-01 shall continue to be in effect in each city or county which has approved it until the city or county approves this Ordinance 99-01 codified in this chapter. Further, prosecutions or violations under repealed ordinances may continue after the effective date of the ordinance codified in this chapter.
(Ord. 00-1084 § 1 (part))

8.12.150 Validity.

The district declares that should any section, paragraph, sentence or word of this chapter or of the codes or standards adopted be declared for any reason to be invalid, it is the intention of the district that it would have passed all other portions of the ordinance codified in this chapter independent of the elimination of any such portion as may be declared invalid.
(Ord. 00-1084 § 1 (part))

8.12.160 Date of effect.

The board of directors of the fire district finds and determines that it is necessary and expedient that the provisions of the ordinance codified in this chapter become effective thirty (30) days following the final reading.
(Ord. 00-1084 § 1 (part))

Chapter 8.16

PROPERTY MAINTENANCE CODE

Sections:

Article I. Administration

8.16.010 General.
8.16.020 Validity.
8.16.030 Maintenance--Required.
8.16.040 Approval.
8.16.050 Duties and powers of the code official.

8.16.060 Violations.
8.16.070 Abatement notices and orders.
8.16.080 Unsafe structures and equipment.
8.16.090 Emergency measures.
8.16.100 Demolition.
8.16.110 Means of appeal.

Article II. Definitions

8.16.120 General provisions.
8.16.130 General definitions.

Article III. General Requirements

8.16.140 General.
8.16.150 Definitions.
8.16.160 Exterior property areas.
8.16.170 Exterior structure.
8.16.180 Interior structure.
8.16.190 Rubbish and garbage.
8.16.200 Extermination.

Article IV. Reference Standards

8.16.210 References.

Article I.

Administration

8.16.010 General.

A. Title. These regulations shall be known as the property maintenance code of the city of Sherwood hereinafter referred to as this code.

B. Scope. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

C. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

D. Referenced Standards. The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

E. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

F. Workmanship. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.

G. Application of Other Codes. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical and electrical codes as adopted by the city.
(Ord. 97-1024 § 1(PM-101))

8.16.020 Validity.

A. Validity. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

B. Saving Clause. This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.
(Ord. 97-1024 § 1(PM-102))

8.16.030 Maintenance--Required.

All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.
(Ord. 97-1024 § 1(PM-103))

8.16.040 Approval.

A. Approved Materials and Equipment. All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

B. Modifications. Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

1. Records. The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

C. Material and Equipment Reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved by the code official.

D. Alternative Materials and Equipment. The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provision of this code, and that the material, method or work offered is for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

E. Research and Investigations. Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.
(Ord. 97-1024 § 1(PM-104))

8.16.050 Duties and powers of the code official.

A. General. The code official shall enforce all of the provisions of this code.

B. Notices and Order. The code official shall issue all necessary notices or orders to ensure compliance with the code.

C. Right of Entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

D. Access by Owner or Operator. Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

E. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

F. Coordination of Enforcement. Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the city. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

G. Rule-Making Authority. The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving

public safety.

H. Organization. The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate and employee a deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

I. Restriction of Employees. An official or employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

J. Relief from Personal Responsibility. The code official, officer or employee charged with the enforcement of this code, while acting for the city, shall not thereby be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the city until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

K. Official Records. An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.
(Ord. 97-1024 § 1(PM-105))

8.16.060 Violations.

A. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code. All nuisances as defined in this code shall constitute a violation of this code. All violations of this code shall constitute a civil infraction and shall be processed according to the procedures established in subsection C of this section.

B. Penalty. Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a civil fine of up to five hundred dollars ($500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C. Infraction Procedures. When an alleged complaint is reported to the code official, the code official shall prepare a statement of the facts and shall review the facts and circumstances surrounding the

alleged complaint. The code official shall not proceed further with the matter if the code official determines that there is not sufficient evidence to support the allegation, or if the code official determines that it is not in the best interest of the city to proceed. If the code official determines that a violation has occurred the city may enforce this code by any of the following methods:

1. Citation;

2. Abatement;

3. Citation and abatement;

4. Other enforcement remedies available at law or at equity.

(Ord. 97-1024 § 1(PM-106))

8.16.070 Abatement notices and orders.

A. Notice to Owner or to Person or Persons Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred and decides that abatement procedures are appropriate, a notice of infraction shall be given to the owner or the person or persons responsible therefor in the manner prescribed in subsections B and C of this section. Notices for condemnation procedures shall also comply with Section 8.16.080C of this chapter.

B. Form. Such notice of infraction prescribed in subsection a of this section shall:

1. Be in writing;

2. Include a description of the real estate sufficient for identification;

3. Include a statement of the reason or reasons why the notice is being issued;

4. Include a correction order allowing a reasonable time for the abatement of the nuisance or repairs and improvements required to bring the premises into compliance with the provisions of this code; and

5. Include a notice of the appeal procedures under Section 8.16.110A of this chapter.

C. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is sent by first class mail addressed to the owner at the last known address, and is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested, or, (c) posted in a conspicuous place in or about the premises affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

D. Time to Remedy Violation After Notice. The code official shall give the respondent a reasonable time to cure or remedy the alleged violation after the notice is sent/posted/ delivered. The time allowed shall not be more than ten days. Where there is an extreme hardship, as determined by the code official, thecode official

may grant additional time.

E. Abatement by the City. If within the time prescribed in subsection D of this section, the violation described in the notice of infraction has not been removed and abated, or cause shown, as specified in Section 8.16.110 of this chapter, why such should not be removed and abated, the code official may cause the violation to be removed and abated. All costs incurred by the city in abating the violation, including administrative and legal costs, shall become a lien upon the real property on which the violation was abated.

F. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 8.16.060B of this chapter.

G. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another unit the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
(Ord. 97-1024 § 1(PM-107))

8.16.080 Unsafe structures and equipment.

A. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

1. Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety or the public or occupants of the premises or structure.

3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by

more persons than permitted under this code, or was erected, altered or occupied contrary to law.

B. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

C. Notice. Whenever the code official has condemned a structure or equipment under the provision of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 8.16.070C of this chapter. The notice shall be in the form prescribed in Section 8.16.070B of this chapter.

D. Placarding. Upon failure of the owner or person responsible to comply with the notice provision within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operation of the equipment or removing the placard.

E. Prohibited Occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code. (Ord. 97-1024 § 1(PM-108))

8.16.090 Emergency measures.

A. Imminent Danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

B. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

C. Closing Streets. When necessary for the public safety, the code official shall temporarily close

structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency Repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Cost of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid from the treasury of the city on approval of the code official. The finance director of the city shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. Appeal. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing a written application for appeal in accordance with Section 8.16.110 of this chapter, have the appeal decided by the city manager.
(Ord. 97-1024 § 1(PM-109))

8.16.100 Demolition.

A. General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

B. Order. All notices and orders shall comply with Section 8.16.070 of this chapter.

C. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Salvage Materials. When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.
(Ord. 97-1024 § 1(PM-110))

8.16.110 Means of appeal.

A. Application for Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the city manager provided that a written application for appeal is filed within the time allowed to remedy the violation as prescribed in Section 8.16.070D of this chapter or within ten days of the imposition of any emergency measures in Section 8.16.090 of this chapter. An

application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

B. City Manager's Decision. The decision of the city manager shall be final on all appeals of decisions of the code official.
(Ord. 97-1024 § 1(PM-111))

Article II.

Definitions

8.16.120 General provisions.

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this article.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

C. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Article IV of this chapter, such terms shall have the meanings ascribed to them as in those codes.

D. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."
(Ord. 97-1024 § 1(PM-201))

8.16.130 General definitions.

"Approved" means approved by the code official.

Basement. See Section 8.16.150 of this chapter.

"Building" means any structure occupied or intended for supporting or sheltering any occupancy.

"Building code" means the building code officially adopted by the legislative body of this city, or other such codes officially designated by the legislative body of the city for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

"Code official" means the building official who is charged with the administration and enforcement as

specified under ORS 455.150, or any duly authorized representative.

"Condemn" means to adjudge unfit for occupancy.

"Construction documents" means all the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings. See Section 8.16.120E of this chapter.

"Dormitory" means a space in a building where group sleeping accommodations are provided in one room, or in a series or closely associated rooms, for persons not members of the same family group.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Hotel" means any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

"One-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.

"Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

"Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"Two-family dwelling" means a building containing two dwelling units with not more than five lodgers or boarders per family.

Exterior Property. See Section 8.16.150 of this chapter.

Extermination. See Section 8.16.150 of this chapter.

"Family" means an individual or married couple and the children thereof or other persons related directly to the married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Garbage. See Section 8.16.150 of this chapter.

Infestation. See Section 8.16.150 of this chapter.

"Inspection certificate" means an identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an

approved agency.

"Label" means a identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency.

Let for Occupancy or Let. See Section 8.16.150 of this chapter.

"Manufacturer's designation" means an identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also "mark," "label," and "inspection certificate").

"Mark" means an identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also "manufacturer's designation," "label," and "inspection certificate.")

"Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

Occupant. See Section 8.16.150 of this chapter.

Openable Area. See Section 8.16.150 of this chapter.

Operator. See Section 8.16.150 of this chapter.

Owner. See Section 8.16.150 of this chapter.

Person. See Section 8.16.150 of this chapter.

Public Nuisance. See Section 8.16.150 of this chapter.

"Registered design professional" means an architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish. See Section 8.16.150 of this chapter.

"Structure" means that which is built or constructed or a portion thereof.

Tenant. See Section 8.16.150 of this chapter.

"Workmanlike" means executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. See Section 8.16.150 of this chapter.
(Ord. 97-1024 § 1(PM-202))

Article III.

General Requirements

8.16.140 General.

A. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 8.16.190 and 8.16.200 of this chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

C. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
(Ord. 97-1024 § 1(PM-301))

8.16.150 Definitions.

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

"Basement" means that portion of a building which is partly or completely below grade.

"Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

"Extermination" means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Infestation" means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

"Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale.

"Occupant" means any person living or sleeping in a building; or having possession of a space within a

building.

"Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

"Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Person" means an individual, corporation, partnership or any other group acting as a unit.

"Premises" means a lot, plot or parcel of land including any structures thereon.

"Public nuisance" means and includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;

2. Any physical condition or occupancy or any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

3. Any premises that has unsanitary sewerage or plumbing facilities;

4. Any premises designated as unsafe for human habitation;

5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;

6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or

8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

"Rubbish" means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, code and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

"Tenant" means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"Yard" means an open space on the same lot with a structure.
(Ord. 97-1024 § 1(PM-302))

8.16.160 Exterior property areas.

A. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and reservoirs approved by the code official.

C. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of the appropriate specialty code.

D. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, crops and gardens.

E. Rat Harborage. All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

F. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

H. Motor Vehicles. Except as provided for in other regulations, no currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

I. Offensive Odors.

1. No animal, substance, condition, or process shall be kept, maintained or permitted to exist on a premises that causes an odor detectable at the property line of the premises and which is of such degree, intensity, frequency, and duration that it unreasonably interferes with or unreasonably affects the reasonable and ordinary use and enjoyment by reasonable persons of their homes, yards, business premises, city streets, sidewalks, parks and other public property.

2. Temporary odors infrequently occurring caused by such reasonable and necessary activities as retarring roofs, asphaltic paving, house and building painting, spraying vegetation for insect and pest control, fertilizing lawns shall not be defined as odors constituting a violation of this chapter. Likewise, for purposes of this chapter, odors from cooking food for meals from homes, outside barbecues, and restaurants shall not be deemed unreasonably offensive odors.

3. Evidence of emanation of an odor from an animal, substance, condition or process on the property of the producer continuously for a period of more than one hour, and which causes physical or mental discomfort to reasonable persons, or which causes interference with the customary and ordinary use and enjoyment of reasonable persons' property, public streets, sidewalks, or other public property shall be prima facie evidence of violation of this section.

J. Open Storage of Junk. All premises and exterior property shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, other discards, garbage, junk or refuse.
(Ord. 98-1037 § 1; Ord. 97-1024 § 1(PM-303))

8.16.170 Exterior structure.

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Exterior Painting. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

C. Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least three inches high and one-half-inch stroke.

D. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

F. Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

G. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

H. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. Overhang Extensions. All canopies, marquees signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Stair and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of the applicable adopted specialty code.

K. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

L. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

M. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads of two hundred (200) pounds per square foot and shall be maintained in good condition.

N. Window and Door Frames. Every window, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. All glazing materials shall be maintained free from cracks and holes.

2. Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

O. Insect Screens. Every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

P. Doors. All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

Q. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

R. Guards for Basement Windows. Every basement window that is openable shall be supplied with rat proof shields, storm windows or other approved protection against the entry of rats.
(Ord. 97-1024 § 1(PM-304))

8.16.180 Interior structure.

A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

C. Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

D. Lead-Based Paint. Interior and exterior painted surface of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater that 1.0 milligram per square centimeter or in excess of 0.50 percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

E. Stairs and Railings. All interior stairs and railings shall be maintained in sound condition and good repair.

F. Stairs and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of the applicable specialty code.

G. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads of two hundred (200) pounds per square foot and shall be maintained in good condition.
(Ord. 97-1024 § 1(PM-305))

8.16.190 Rubbish and garbage.

A. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

B. Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

1. Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

C. Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

1. Garbage Facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waster grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

2. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 97-1024 § 1(PM-306))

8.16.200 Extermination.

A. Infestation. All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

B. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

C. Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

D. Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

E. Occupant. The occupant of any structure shall be responsible for the continued rat-free condition of the structure, and if the occupant fails to maintain the rat-free condition, the cost of extermination shall be the responsibility of the occupant.

Exception: Where rat infestations are caused by defects in the structure, the owner shall be

responsible for extermination.
(Ord. 97-1024 § 1(PM-307))

Article IV.

Reference Standards

8.16.210 References.

ASME--American Society of Mechanical Engineers

345 East 47th Street

New York, NY 10017

--Safety Code for Elevators & Escalators with 1994 Addenda

Codes*

Building Officials and Code

Administrators International, Inc.

4051 West Flossmoor Road

Country Club Hills, IL 60478-5795

--BOCA National Building Code

--BOCA National Fire Prevention Code

--ICC International Mechanical Code

--ICC International Plumbing Code with 1996 Supplement

* All BOCA & ICC publications are available from BOCA

NFPA--National Fire Protection Association

Batterymarch Park

Quincy, MA 02269

--National Electric Code
(Ord. 97-1024 § 1 (Ch. 4))

Chapter 8.20

SOLID WASTE MANAGEMENT

Sections:

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8.20.150 Offensive waste prohibited.
8.20.160 Unauthorized deposit prohibited.
8.20.170 Violation--Penalty.

8.20.010 Short title.

The ordinance codified in this chapter shall be known as the city of Sherwood solid waste management ordinance and may be so cited and shall be hereinafter referred to as this chapter.
(Ord. 89-899 § 1)

8.20.020 Purpose, policy and scope.

A. It is declared to be in the public interest for the city to establish a policy relative to solid waste management and to:

1. Provide sufficient waste volume to sustain solid waste management facilities necessary to achieve resource recovery goals established by the city, county, State Department of Environmental Quality and metropolitan service district;

2. Provide the basis for agreements with other governmental units and persons for regional flow control to such facilities;

3. Ensure safe accumulation, storage, collection, transportation, disposal or resource recovery of

solid waste, and protect the public health, safety and welfare;

4. Ensure maintenance of a financially stable, reliable solid waste collection and disposal service;

5. Ensure rates that are just, fair, reasonable and adequate to provide necessary service to the public;

6. Prohibit rate preference and other discriminatory practices which benefit one user at the expense of other users of the service or the general public;

7. Conserve energy and material resources and meet statewide goals of recycling usable wastes;

8. Eliminate overlapping service to reduce truck traffic, street wear, air pollution and noise;

9. Provide standards for solid waste service and public responsibilities; and

10. Provide resource recovery by and through the franchisee.

B. No person shall:

1. Provide solid waste service, offer to provide service or advertise for the performance of service without having obtained a franchise from the city;

2. Accumulate, store, collect, transport, transfer, dispose of or resource recover solid waste except as in compliance with this chapter, other city ordinances, and Chapter 459 Oregon Revised Statutes dealing with solid waste management, and regulations and amendments promulgated under any of the foregoing.

C. Nothing in this chapter shall:

1. Prohibit any person from transporting directly to an authorized disposal or recycling or resource recovery facility, or utilizing or resource recover solid waste produced by himself or herself so long as he or she complies with this chapter, other city ordinances, and Chapter 459 Oregon Revised Statutes dealing with solid waste management, and regulations promulgated under any of the foregoing. Provided however, that except as provided herein, a lessor or property owner shall not provide service to a tenant, lessee or occupant except through the franchisee;

2. Prohibit any person from contracting with any other governmental agency to provide solid waste service;

3. Prohibit any person from transporting, disposing of or resource recovering, sewage sludge, septic tank pumpings and cesspool pumpings;

4. Prohibit any person licensed as a motor vehicle wrecker under ORS 481.345 et seq. from collecting, transporting, disposing of or utilizing motor vehicles or motor vehicle parts;

5. Prohibit the city council by amendment to this chapter from withdrawing or modifying certain solid waste services on the basis of finding that such service is not necessary for the implementation of the purposes of this chapter or a city, county or metropolitan service district solid waste management plan;

6. Prohibit any person transporting solid waste through the city that is not collected within the city;

7. Prohibit a contractor employed to demolish, construction, or remodel a building or structure, including but not limited to land clearing operations and construction wastes, from hauling waste created in connection with such employment;

8. Prohibit the occasional collection, transportation and reuse of repairable or cleanable discards or source separated solid waste for recycling or resource recovery by private charitable or nonprofit organizations for the purpose of raising funds for charitable, civic, or benevolent activity provided that the activity is conducted in accordance with the terms and under the conditions contained in this chapter;

9. Prohibit the operation at a fixed location of a facility where the generator, producer, source or franchised collector of solid waste brings that waste for transfer, disposal or resource recovery;

10. Prohibit the collection, transportation or redemption of beverage containers under ORS Chapter 459;

11. Prohibit a person from transporting or disposing of waste that he or she produces as an incidental part of janitorial services; gardening or landscaping services; rendering; or other similar and related occupations;

12. Require the franchisee to store, collect, transport, dispose of or resource recover any hazardous waste as defined by or pursuant to ORS Chapter 466.

(Ord. 89-899 § 2)

8.20.030 Definitions.

"Carry-out service" means service whereby the franchisee will collect properly stored solid waste located on the customer's property, provided said waste is clearly visible and accessible to the franchisee.

"Charitable or nonprofit organization" means any person or persons organized and existing for charitable, benevolent, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal, or other nonprofit purpose, and who is exempt from federal and state income taxes as a nonprofit organization.

"Compensation" means any type of consideration paid for service including, but not limited to, the proceeds from resource recovery or recycling, rent, lease payments, and any other direct or indirect provision for payment of money, goods, services or benefits by owners, tenants, leasees, occupants or similar persons or the exchange of services between persons.

"Council" means the city council of the city of Sherwood.

"Curb-side service" means service whereby the franchisee will collect properly stored solid waste placed by the customer alongside a public street or some other location designated by the franchisee.

"Franchise" means the right to provide service granted to a person pursuant to this chapter.

"Nonrecycling customer" means a regular customer of the franchisee that elects not to enroll in the recycling program or fails to provide recyclable materials at least once monthly, as determined by the franchisee's records.

"Person" means any individual, partnership, corporation, trust, firm, estate, joint venture or other public or private legal entity.

"Putrescible material" means organic materials that can decompose and may give rise to foul-smelling, offensive odors or products.

"Recycling customer" means a regular customer of the franchisee who enrolls in the recycling program and provides recyclable materials curbside at least once monthly, as determined by the franchisee's records.

"Resource recovery" means the process of obtaining useful material or energy resources from solid waste and includes:

1. "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.

2. "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

3. "Recycling," which means any process by which solid waste materials are transformed into new products in such manner that the original products may lose their identity. The process includes collection, transportation, storage and transfer of solid waste and placing the solid waste in the stream of commerce for resource recovery.

4. "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Service" means the collection, transportation, storage, transfer, disposal of or resource recovery of solid waste, using the public streets of the city to provide service, and including solid waste management.

"Solid waste" means:

1. All putrescible and nonputrescible wastes, including, but not limited to garbage, rubbish, refuse, ashes, waste paper, cardboard, yard debris, compost, tires, equipment and furniture; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof;

discarded home or industrial appliances; manure, vegetable and animal solid and semi-solid wastes, dead animals, infectious waste as defined in Section 3 of Chapter 763, Oregon Laws 1989 and other wastes.

a. Sewer sludge and septic tank and cesspool pumping, chemical toilet waste or other sludge;

b. Reusable beverage containers as defined in ORS 459A.700 and 459A.725;

c. Material used for fertilizer or for other productive agricultural operations in growing or harvesting crops and the raising of fowl or animals.

2. The fact that materials that would otherwise come within the definition of solid waste may from time to time have value and thus be utilized does not remove them from the definition.

"Solid waste management" means the prevention or reduction of solid waste; management of the storage, transfer, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities used for those activities.

"Source separation" means the separation or setting aside of waste, by the source generator or producer of the waste, for recycling or reuse. Total source separation means the complete separation by the source generator or producer of the waste by type or kind of waste from all other types or kinds of waste. Total source separation requires each type or kind of recyclable material such as newsprint, computer paper, cardboard, glass, ferrous cans and aluminum cans to be distinctly separated into a separate package, container or stack in preparation for collection. For example, newspaper, cardboard, glass, ferrous cans and waste wood are each placed in a separate container and no two or more recyclables are mixed in the same container.

"Standard can" means a thirty-two (32) gallon metal or rigid plastic garbage can.

"Tote barrel" means a wheeled, sixty (60) gallon, rigid plastic garbage can provided by the franchisee to their customers.

"Twenty (20) gallon can" means a twenty (20) gallon metal or rigid plastic garbage can.

"Waste" means material that is no longer wanted or usable by the source, the source generator or producer of the material, and the material is to be disposed of or resource recovered by another person, and includes both source separated material and nonsource separated materials.
(Ord. 98-1049 § 4; Ord. 90-915 § 2; Ord. 89-899 § 3)

8.20.040 Franchises.

A. Subject to the provisions of this chapter, other city ordinances, and the City Charter, the council may by resolution grant exclusive or nonexclusive franchises, with or without competitive bidding, to provide service over and upon the streets of a franchise area within the city. Nonperformance of the terms and conditions of the franchise agreement may result in financial and operating penalties to the franchisee, and may result in the loss or limitation of the franchisee's right to provide services.

B. Where any area is annexed to the city of Sherwood and the area had been franchised by Washington County for solid waste collection service prior to annexation, the county franchise and franchise holder shall be recognized for that particular area subject to the provisions of ORS 459.085(3). If the area was franchised by Washington County to a city franchisee, that area shall be added by resolution to a city franchise area.
(Ord. 04-010 § 1 (Exh. A)(part): Ord. 89-899 § 4)

8.20.045 Franchise--Application, application approval, and statement of ownership.

A. Applicants for a solid waste management franchise under this chapter must file with the city manager an application in a format approved by the city manager which shall at least provide the following information:

1. Full name;

2. Permanent home and business address;

3. Trade and firm name;

4. If a joint venture, a partnership or limited partnership, the names of all partners and of their percentage of participation and their permanent addresses; if a corporation, the names and permanent addresses of all the officers;

5. Evidence showing that:

    a. An applicant for a solid waste collection and transportation franchise has arranged for disposal of all solid waste collected or transported to an authorized disposal site where it may legally be accepted and disposed of, and the location of that disposal site; or

    b. An applicant for a curbside recycling collection and transportation franchise has arranged for the sanitary storage and recycling of the collected materials and proper disposal of any nonrecyclable residue;

6. Facts showing that the applicant is qualified to render efficient solid waste or curbside recyclables collection and transportation service;

7. Facts showing that the applicant has adequate experience in the collection and transportation of solid waste or curbside recyclables;

8. A description of all vehicles and equipment used or intended to be used by the franchisee or its subcontractors, including vehicle type, license number, age and condition;

9. A statement certifying that the vehicles and equipment identified are in compliance with the requirements of this chapter, the state minimum standards for solid waste handling and disposal, applicable provisions of the vehicle code, and other legal requirements;

10. Facts demonstrating that the applicant owns or has access to suitable facilities for the storage, maintenance and cleaning of vehicles and equipment;

11. Evidence showing that the issuance of a franchise is in the public interest; and

12. Such other facts or information as the city manager may require.

B. Upon receipt of a completed application for a franchise, the city manager will determine if the applicant meets all the requirements of this chapter and all applicable state and federal laws and regulations.

1. Decision. A decision to grant or not to grant the franchise will be made by the city council within one hundred twenty (120) days from the receipt of a complete application.

2. Acceptance. By signing the designated franchise acceptance, the applicant accepts all of the terms and conditions specified in the franchise.

3. Appeal. If the city council determines that a franchise will not be granted or if the decision to grant or not grant the franchise is not made within one hundred twenty (120) days, the applicant has the right to a hearing before the city council. A request for a hearing must be made by the applicant in writing to the city recorder within fifteen (15) calendar days after receipt of notice of denial or within fifteen (15) calendar days after the one hundred twenty- (120) day has passed. Upon receipt of the written request for hearing, the city recorder will set the matter for hearing on a date not more than sixty (60) days after the receipt of the written request. The city recorder will give written notice of the time, date and place of hearing to the applicant and the public. At the hearing, the applicant has the burden of proof to show facts demonstrating that the applicant meets the requirements of this chapter and applicable state and federal laws and regulations, and that the granting of the franchise is required by the public safety, health, welfare, convenience or necessity. The city council will make its decision within fifteen (15) days after the close of the hearing on appeal. The decision of the city council is final.

C. Every franchisee must file a statement of ownership with the city manager by July 1st of each year and verify it as true and correct under the penalty of perjury. This statement must be made in a form acceptable to the city manager.
(Ord. 04-010 § 1 (Exh. A)(part))

8.20.050 Franchise term.

A. The rights, privileges and initial franchise granted herein shall continue and be in full force for a period of ten years up to and including November 1, 1999, subject to terms, conditions and payment of franchise fees to the city as set forth in this chapter.

B. On November 1st of each year the franchise granted to franchisee shall be renewed for a ten year period starting from that annual renewal date without any action from the council unless the council acts to terminate the franchise at the end of the ten year period then in effect by giving written notice to franchisee prior to the annual renewal date.

(Ord. 89-899 § 5)

8.20.060 Franchise fees.

A. As compensation for the franchise granted to the franchisee and for the use of city streets, the franchisee shall pay to the city a fee equal to five percent of gross cash receipts resulting from the solid waste services conducted under the franchise. Such fees shall be computed on a quarterly basis and paid within thirty (30) days following the end of each quarterly calendar year period. The franchisee shall maintain an adequate record of gross cash receipts resulting from the solid waste services conducted under the franchise and said records shall be open at all times for audit by authorized personnel designated by the city manager.

B. Willful misrepresentation of gross cash receipts by the franchisee shall constitute cause for immediate revocation of this franchise, pursuant to Section 8.20.090 of this chapter.

C. The franchise fee provided for in subsection A of this section shall not relieve the franchisee of the financial responsibility for any current or future revenue or regulatory fee, tax or charge imposed by the city. The franchise fee, however, shall not exceed that which is provided in subsection A of this section for the duration of this franchise and shall be considered in lieu of the present city business license.
(Ord. 04-010 § 1 (Exh. A)(part); Ord. 89-899 § 6)

8.20.070 Franchisee responsibility.

The franchisee shall:

A. Resource recover or dispose of wastes at sites in compliance with Chapter 459 Oregon Revised Statutes and regulations promulgated thereunder. Any site for disposal or resource recovery within the city limits must be approved by the city;

B. Provide and keep in force public liability insurance with a thirty (30) day cancellation clause in the amount of not less than one million dollars ($1,000,000.00) relating to a single occurrence, which shall be evidenced by a certificate of insurance filed with the city recorder. This insurance shall indemnify and save the city harmless against liability or damage which may arise or occur from an injury to persons or property resulting from the franchisee's operation under this chapter;

C. Within fifteen (15) days of adoption of the resolution, file with the city recorder a written acceptance of the franchise;

D. Furnish sufficient collection vehicles, containers, facilities, personnel, finances, and scheduled days for collections in each area of the city as necessary to provide all types of service required under this chapter or subcontract with others to provide such service pursuant to Section 8.20.120 of this chapter. The franchisee shall maintain a collection system in conformance with all federal, state, regional and local solid waste management regulations and ensure that every vehicle or container used for the transportation of solid waste over city streets shall be regularly cleaned and maintained in a sanitary condition;

E. Provide a cash security deposit or a performance bond of seven thousand five hundred dollars

($7,500.00) to guarantee reimbursement to the city if costs incurred because of work performed by the franchisee that does not conform with the requirements of this chapter or other ordinances of the city or because of failure of the franchisee to meet the terms and conditions of this chapter in a timely, regular and sanitary manner. The deposit or bond shall continue until one year after expiration or termination of the franchise or until all claims or demands made against the franchisee have been settled or secured;

F. Collect no single family residential solid waste before five a.m. or after seven p.m. unless this condition is waived by the city manager or his or her designee;

G. Provide for the regular collection and disposal of solid waste from city facilities, city parks, city sidewalk containers, and city activity areas and at other locations designated by the city that are within a franchise area at no cost to the city;

H. Make collections no less often than once each week, except for will-call collections and drop box operations, and except as provided in Section 8.20.110 of this chapter;

I. Allow inspection by the city of the franchisee's facilities, equipment and personnel during regular business hours;

J. Respond to all calls for special hauling requiring equipment regularly supplied by franchisee within ninety-six (96) hours of receiving said call unless a later pickup is agreeable to the customer, subject to availability of required containers or other equipment;

K. Provide telephone service so that the franchisee may be contacted during regular business hours, Monday through Friday, excepting holidays, and in addition, upon receipt of a written communication about service under this chapter, the franchisee shall, within seven days, reply in writing and furnish a copy of both pieces of correspondence to the city;

L. Provide curbside yard debris collection every other week by providing residential customers with a sixty (60) gallon rollcart for such purposes, or provide customers with the equivalent by providing a fifty (50) gallon compost bin, for the rates established by Table 8.20.080 of this chapter. Current customers shall be required to select an option within thirty (30) days of the effective date of the ordinance codified in this chapter. New customers will be required to select an option within thirty (30) days of establishing solid waste collection service. Thereafter, customers may change options once annually within thirty (30) days of January 1st. The franchisee shall be required to notify all customers of their options in writing, and may after thirty (30) days assign options to customers who have not responded;

M. Provide the opportunity to recycle all residential, commercial and industrial sources of recyclable material in compliance with this chapter, other city ordinances, applicable metropolitan service district and State Department of Environmental Quality rules and regulations and the Oregon Recycling Opportunity Act (Chapter 729, Oregon Laws, 1983). The opportunity to recycle shall include but not be limited to, on-route or depot collection of source separated recyclable material, a public education and promotion program that encourages participation in recycling, and notification to all customers of the opportunity and terms of recycling service;

N. Maintain a record of customer complaints and of the franchisee's response to each complaint. Records pertaining to customer complaints must be made available to the city manager upon the city manager's written request. The franchisee shall retain all records for a minimum of three years.

(Ord. 04-010 § 1 (Exh. A)(part); Ord. 94-986 § 1; Ord. 89-899 § 7)

8.20.080 Rates.

A. The council will by resolution set rates for all solid waste collection services provided by franchisees.

B. The rates to be charged to all persons by the franchisee shall be reasonable and uniform and shall be based upon the level of service rendered, or required by state or local laws and regulations, haul distance, concentration of dwelling units, and other factors which the city council considers to justify variations in rates.

C. Nothing in this section is intended to prevent:

1. The reasonable establishment of uniform classes of rates based upon length of haul; type of waste stored, collected, transported, disposed of, salvaged or utilized; or the number, type and location of customers service; the type of service; the service required by laws and regulations; or the number, type and location of customer's service; or upon other factors as long as such rates are reasonable based upon cost of the particular service and are approved by the city council in the same manner as other rates;

2. The franchisee from volunteering service at a reduced cost for civic, community, benevolent or charitable programs.

D. Rates to be charged by the franchisee under this chapter shall be set by the city council by resolution at such times as deemed necessary by the council provided, however, that rates may not be amended more than once every twelve (12) months, except for instances where landfill disposal rates have been increased by the metropolitan service district. The council may consider rate amendments to account for increased operating costs directly attributable to landfill disposal costs at any time, or in any frequency. The franchisee shall provide the city with thirty (30) days written notice of any request to amend rates. In amending the rate schedule, the council shall give due consideration to the purposes of this chapter and the direct and indirect costs to the franchisee of doing business, as may be justified and quantified by the franchisee. The franchisee shall be provided thirty (30) days prior written notice with accompanying justification for a city initiated amendment to the service rate schedule.

E. Any request for a rate adjustment shall conform to the following process:

1. Notwithstanding any request for an amendment to the rate schedule, the franchisee shall annually supply a report of current income and expense for the current calendar year for services provided within the city. Any request for a rate adjustment must include the projected income and expense for the balance of the year for such service and justification for any proposed rate adjustments.

2. The city manager shall report and make recommendations to the city council within thirty (30) days of submission of an acceptable and complete franchisee report and rate adjustments proposal.

3. The council shall conduct a public hearing on any proposed rate adjustment.

F. Rates established by the council are fixed rates and the franchisee shall not charge more or less than the fixed rate unless pursuant to subsection (C)(2) of this section.

G. Any services not included in the rate schedule shall be charged at the reasonable cost of providing the service taking into consideration the factors utilized in established scheduled rates pursuant to this section.

H. In establishing rates, the council may set uniform rates, uniform rates by zone and different rates for collectors where there is a service and cost justification.

I. Any person who receives solid waste service from the franchisee shall be responsible for payment for such service and the franchisee shall be solely responsible for the billing, collection and accounting of said payments. The city shall not be responsible or liable for unpaid, delinquent or noncollectible payments for services.
(Ord. 04-010 § 1 (Exh. A)(part); Ord. 01-1113 § 1; Ord. 00-1088 § 1; Ord. 94-986 § 2; Ord. 89-899 § 8)

8.20.090 Transfer, suspension, modification or revocation of franchise.

A. The franchisee shall not transfer this franchise or any portion thereof to other persons within sixty (60) days prior written notice of the intent to transfer, and the enactment by the city council of an ordinance authorizing the transfer. The city council may approve the transfer if the transferee meets all applicable requirements met by the original franchisee. The city council may attach to the authorizing ordinance whatever conditions it deems appropriate to guarantee maintenance of service and compliance with this chapter.

B. Failure to comply with a written notice to provide the services required by this chapter or to otherwise comply with the provisions of this chapter after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation or suspension of the franchise.

1. After written notice from the city that such grounds exist, franchisee shall have thirty (30) days from the date of mailing of the notice in which to comply or to request a public hearing before the city council.

2. If franchisee fails to comply within the specified time or fails to comply with the order of the city council entered upon the basis of written findings at the public hearing, the city council may suspend, modify or revoke franchise or make such action contingent upon continued noncompliance.

3. In the event that the city finds an immediate and serious danger to the public through creation of a health or safety hazard, as a result of the actions of the franchisee, the city may take action to alleviate such conditions or suspend or revoke the franchise within a time specified in the notice

to the franchisee and without prior written notice or a public hearing.
(Ord. 89-899 § 9)

8.20.100 Preventing interruption of service.

The franchisee agrees as a condition of this franchise that whenever the city council finds that the failure of service or threatened failure of service would result in creation of an immediate and serious health hazard or serious public nuisance, the city council may, after a minimum of twenty-four (24) hours written or verbal notice to the franchisee, provide for or authorize another person to temporarily provide the service or to use and operate the land, facilities and equipment of a franchisee to provide emergency service. The city council shall return any seized property and business upon abatement of the actual or threatened interruption of service, and after payment to the city for any net cost incurred in the operation of the solid waste service.
(Ord. 89-899 § 10)

8.20.110 Suspension of service.

The franchisee shall not suspend or terminate service to all or a portion of his or her customers unless:

A. Street or road access is blocked and there is no alternate route, provided that the franchisee shall restore service not later than twenty-four (24) hours after street or road access is opened.

B. Excessive weather conditions render providing service unduly hazardous to persons providing service or to the public or such termination is caused by accidents or casualties resulting by an act of God or a public enemy.

C. A customer has not paid for provided service after a regular billing and after a written delinquency notice, which notice shall not be sent less than fifteen (15) days after the date of mailing of the regular billing.

D. Other than for non-payment for provided service, ninety (90) days written notice is given to the city council and to affected customers and written approval is obtained from the city council.

E. The customer does not comply with the service standards of Section 8.20.140 of this chapter, provided that the customer is given a thirty (30) day written notice to comply with the applicable service standards.

(Ord. 04-010 § 1 (Exh. A)(part); Ord. 89-899 § 11)

8.20.120 Subcontracts.

The franchisee may subcontract with others to provide a portion of the service where the franchisee does not have the necessary equipment or capacity to provide said service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this chapter. Except where emergency incidental service is provided by a subcontractor, such subcontract shall be in writing and shall be filed with the city recorder and approved by the city manager prior to the commencement of actual service by the subcontractor.
(Ord. 89-899 § 12)

8.20.130 Enforcement officers.

The city manager shall enforce the provisions of this chapter, and his or her agents, including police officers and other employees so designated, may enter affected premises at reasonable times for the purpose of determining compliance with the provisions and terms of this chapter.
(Ord. 89-899 § 13)

8.20.140 Containers/collections limitations.

A. To achieve the purposes of this chapter, prevent recurring injuries to collectors and other persons, to comply with safety standards of the State Accident Insurance Fund; and to comply with all reasonable safety, health and environmental safeguards:

1. Solid waste cans provided by the customer shall:

    a. Be a standard can or twenty (20) gallon can;

    b. Have a round bottom, sides tapering outward to the opening at the top providing for unobstructed dumping of the contents, a bail or two handles on opposite sides, a close fitting lid with handle, watertight waterproof, rodent resistant, and easily cleanable and will not crack or break in freezing weather;

    c. Not to exceed sixty (60) pounds gross loaded weight.

2. Putrescible material shall be placed in plastic bags or securely wrapped in paper after being drained of liquids before placing in cans, tote barrels, or containers.

3. Sunken refuse cans, tote barrels or containers shall not be used, unless they are placed above ground by the owner for service.

4. On the scheduled collection day, the carry-out service customers shall provide safe access to a pickup point which does not jeopardize the safety of the driver of a collection vehicle or the motoring public or create a hazard or risk to the person providing the service. Cans, tote barrels and containers must be visible from a public right-of-way which may be serviced and driven to by collection vehicles where practical. This form of access must not require the collector to pass behind an automobile or other vehicle or to pass under low hanging obstructions such as eaves, tree branches, clotheslines or electrical wires which obstruct safe passage to and from cans. Cans must be at ground level, outside of garages, fences and other enclosures, and within one hundred (100) feet of the straight right-of-way or curb. Where the city manager, or his or her designee, finds that a private bridge, culvert or other private structure or road is incapable or safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road, and customer shall provide a safe alternative access point or system.

5. The curb-side service customer shall place cans or tote barrels alongside a public street or other accessible place, at a location designated by the franchisee.

6. All solid waste cans and tote barrels located at single-family residences shall be placed together in one location on the regularly scheduled collection day.

7. All solid waste receptacles, including but not limited to cans, tote barrels, containers and drop boxes, shall be maintained in a safe and sanitary condition by the customer.

8. Solid waste service customers shall place items not intended for pickup at least three feet from solid waste can(s), tote barrel(s) or container(s).

9. No person shall place any hazardous waste as defined by or pursuant to ORS Chapter 466 out for collection by the franchisee or place it in any container supplied by the franchisee without prior written notification and acceptance by the franchisee and also upon compliance with any requirements of ORS Chapter 466 and any rules or regulations thereunder.

10. A container for hazardous or other special wastes shall be appropriately labeled and placed in a location inaccessible to the public. If the container is reusable, it shall be suitable for cleaning and be cleaned.

11. No person shall use any solid waste collection container of thirty-two (32) gallons or more in capacity unless it is supplied or approved by the franchisee, on the basis of safety, equipment compatibility, availability of equipment and the purposes of this chapter.

12. Tote barrels, containers and drop boxes supplied by the franchisee shall be cleaned by the customer, provided, however, that the franchisee shall be responsible for exterior painting and provide normal maintenance. The customer shall be liable for damage to containers and drop boxes beyond reasonable wear and tear.

B. No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation of the collection vehicle provided by the franchisee. Upon request of a group of customers requiring special service, the city council may require the franchisee to provide for vehicles capable of handling specialized loads including, but not limited to, front loading collection trucks and drop-box trucks and systems.

C. To prevent injuries to users and collectors, stationary compacting devices for handling solid wastes shall comply with applicable federal and state safety regulations.

D. Any vehicle used by any person to transport wastes shall be so loaded and operated as to prevent the wastes from dripping, dropping, sifting, blowing, or otherwise escaping from the vehicle onto any public right-of-way or lands adjacent thereto.
(Ord. 89-899 § 14)

8.20.150 Offensive waste prohibited.

No person shall have waste on his or her property that is offensive or hazardous to the health or safety of others or which creates offensive odors or a condition of unsightliness.

(Ord. 89-899 § 15)

8.20.160 Unauthorized deposit prohibited.

No person shall, without prior authorization and compliance with requirements of this chapter, deposit waste on public property or the private property of another person. Streets and other public places are not authorized as places to deposit waste except where specific provisions for containers have been made.
(Ord. 89-899 § 16)

8.20.170 Violation--Penalty.

Violation by any person of the provisions of this chapter shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine of not more than five hundred dollars ($500.00).
(Ord. 89-899 § 18)

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Introductory Provisions

9.08 Oregon Criminal Statutes

9.12 Classification of Offenses

9.16 Disposition of Offenders

9.20 Offenses By or Against Public Officers and Government

9.24 Offenses Against the Person

9.28 Theft and Related Offenses

9.32 Offenses Against Property

9.36 Offenses Against Public Peace and Decency

9.40 Curfew

9.44 Nuisances

9.46 Abatement of Noxious Weeds

9.48 Criminal Procedure

9.50 Possession, Manufacture or Delivery of Drug Paraphernalia

9.52 Prohibiting of Noise

9.56 Prohibits Use of Tobacco Products on City Property

9.60 Inventory Procedures

Chapter 9.04

INTRODUCTORY PROVISIONS

Sections:

9.04.010 Short title.
9.04.020 Purposes--Principles of construction.
9.04.030 Application of provisions.

9.04.010 Short title.

The ordinance codified in this title shall be known as the police code of the city of Sherwood, and may be cited and pleaded.
(Ord. 98-1044 § 1 (part): Ord. 641 § I(1), 1974)

9.04.020 Purposes--Principles of construction.

A. The general purposes of the provisions of this title are:

1. To ensure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized;

2. To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests;

3. To give fair warning of the nature of the conduct declared to constitute an offense and of the sentences authorized upon conviction;

4. To define the act or omission and the accompanying mental state that constitute each offense;

5. To differentiate on reasonable grounds between serious and minor offenses;

6. To prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders;

7. To safeguard offenders against excessive, disproportionate or arbitrary punishment.

B. The rule that a penal statute is to be strictly construed shall not apply to this title or any of its provisions. All provisions of this title shall be construed according to the fair import of their terms, to promote justice and to effect the purposes stated in subsection A of this section.
(Ord. 98-1044 § 1 (part): Ord. 641 § I(2), 1974)

9.04.030 Application of provisions.

A. The provisions of this title shall govern the construction of and punishment for any offense defined in this title and committed after the effective date hereof, as well as the construction and application of any defense to a prosecution for such an offense.

B. Except as otherwise expressly provided, or unless the context so requires otherwise, the provisions of this title shall govern the construction of and punishment for any offense defined outside this title and committed after the effective date hereof, as well as the construction and application of any defense to a prosecution for such an offense.

C. The provisions of this title shall not apply to or govern the construction of and punishment for any offense committed before the effective date of the ordinance codified in this title, or the construction and

application of any defense to a prosecution for such an offense. Such an offense shall be construed and punished according to the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted.
(Ord. 98-1044 § 1 (part): Ord. 641 § I(3), 1974)

Chapter 9.08

OREGON CRIMINAL STATUTES

Sections:
9.08.010 Adopted.
9.08.020 Use of certain terms.
9.08.030 General principles of liability.
9.08.040 Parties.
9.08.050 General principles of justification.
9.08.060 General definitions-- Defenses--Burden of proof.
9.08.070 Definitions and defenses relating to perjury and related offenses.
9.08.080 Definition relating to obstructing governmental administration.

9.08.010 Adopted.

By virtue of the authority contained in ORS 221.330, all those sections of the Oregon Revised Statutes hereinafter listed in this chapter be and each thereof are adopted by this reference, section by section, paragraph by paragraph, word by word, in the entirety in all respects to the same legal force and effect as if set forth herein in full. Notwithstanding that the provisions herein adopted by reference from Oregon General Statutes apply to criminal proceedings, the character of all offenses punishable under this code is not criminal but civil in nature. Use of the terms "crime" or "criminal" in said statutes with reference to conduct, acts, liability, or any other term shall not be read so as to convert civil offenses under this code to be criminal acts or offenses requiring application of constitutional rights uniquely applicable to criminal offenses.
(Ord. 98-1044 § 2(A): Ord. 641 § II(1), 1974)

9.08.020 Use of certain terms.

Whenever reference in the hereinafter cited sections of Oregon Revised Statutes is made to:

A. "Oregon Criminal Code," it shall mean the police code of the city of Sherwood.

B. "State," it shall mean the city of Sherwood.

C. "Court," it shall mean the municipal court of the city of Sherwood.
(Ord. 641 § II(2), 1974)

9.08.030 General principles of liability.

A. ORS 161.085. Definitions with respect to culpability.

B. ORS 161.095. Requirements of culpability.

C. ORS 161.105. Culpability requirements inapplicable to certain violations and offenses.

D. ORS 161.115. Construction of statutes with respect to culpability.

E. ORS 161.125. Intoxication.

(Ord. 98-1044 § 2(B): Ord. 641 § II(3), 1974)

9.08.040 Parties.

A. ORS 161.150. Liability described.

B. ORS 161.155. Liability for the conduct of another.

C. ORS 161.160. Defense to liability for conduct of another.

D. ORS 161.165. Exemptions to liability for conduct of another.

E. ORS 161.170. Liability of corporations.

F. ORS 161.175. Liability of an individual for corporate conduct.

(Ord. 98-1044 § 2(C): Ord. 641 § II(4), 1974)

9.08.050 General principles of justification.

A. ORS 161.190. Justification as a defense.

B. ORS 161.195. "Justification" described.

C. ORS 161.200. Choice of evils.

D. ORS 161.205. Use of physical force generally.

E. ORS 161.209. Use of physical force in defense of a person.

F. ORS 161.215. Limitation on use of physical force in defense of a person.

G. ORS 161.219. Limitations on use of deadly physical force in defense of a person.

H. ORS 161.225. Use of physical force in defense of premises.

I. ORS 161.229. Use of physical force in defense of property.

J. ORS 161.235. Use of physical force in making an arrest or in preventing an escape.

K. ORS 161.239. Use of deadly physical force in making an arrest or in preventing an escape.

L. ORS 161.245. "Reasonable belief" described; status of unlawful arrest.

M. ORS 161.249. Use of physical force by private person assisting an arrest.

N. ORS 161.255. Use of physical force by a private person making citizen's arrest.

O. ORS 161.260. Use of physical force in resisting arrest prohibited.

P. ORS 161.265. Use of physical force to prevent escape.

Q. ORS 161.270. Duress.

R. ORS 161.275. Entrapment.

(Ord. 641 § II(5), 1974)

9.08.060 General definitions-- Defenses--Burden of proof.

A. ORS 161.015. General definitions.

B. ORS 161.055. "Defense" and "raised by defendant" defined, burden of proof.

(Ord. 641 § II(6), 1974)

9.08.070 Definitions and defenses relating to perjury and related offenses.

A. ORS 162.055. Definitions.

B. ORS 162.095. Defenses to perjury and false swearing limited.

C. ORS 162.105. Retraction as a defense.

D. ORS 162.115. Corroboration of falsity required.

(Ord. 641 § II(7), 1974)

9.08.080 Definition relating to obstructing governmental administration.

A. ORS 162.225. Definitions.

(Ord. 98-1044 § 2(D): Ord. 641 § II(8), 1974)

Chapter 9.12

CLASSIFICATION OF OFFENSES

Sections:

9.12.010 Offenses--Definitions.
9.12.020 Violations--Definitions.
9.12.030 Violations--Classification.
9.12.040 Infractions--Classification.
9.12.050 Inchoate crimes-- Attempt--Definition.

9.12.010 Offenses--Definitions.

A. An offense is conduct for which a sentence to pay a fine is provided by any ordinance of this city. An offense is a violation.

B. The doing of any act or thing prohibited, or the failure to do an act or thing commanded to be done, by this code within the corporate limits of the city of Sherwood, is declared to be an offense against the public peace, safety, health, morals and general welfare of the people of the city of Sherwood.
(Ord. 98-1044 § 3(1): Ord. 641 § III (part), 1974)

9.12.020 Violations--Definitions.

An offense is a violation if it is so designated in the ordinance defining the offense or if the offense is punishable only by a fine, forfeiture, fine and forfeiture, or other civil penalty. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.
(Ord. 98-1044 § 3(2): Ord. 641 § III (part), 1974)

9.12.030 Violations--Classification.

A. Violations are classified for the purpose of sentence into the following categories:

1. Class A violations;

2. Class B violations;

3. Class C violations;

4. Unclassified violations.

B. The particular classification of each violation defined in this code is expressly designated in the section defining the offense. An offense defined outside this code which provides a penalty for the offense in the ordinance defining said offense shall be considered an unclassified violation.

C. An offense defined by ordinance of this city, but without specification as to its classification or as to the penalty authorized upon conviction, shall be a considered a Class A violation.
(Ord. 98-1044 § 3(3): Ord. 641 § III (part), 1974)

9.12.040 Infractions--Classification.

A. Any infraction defined in this code is expressly designated in the section defining the offense. Any offense defined outside this code which is punishable as provided in Chapter 9.16 of this title, shall be considered an infraction.

B. Infractions are not classified.
(Ord. 98-1044 § 3(4): Ord. 641 § III (part), 1974)

9.12.050 Inchoate crimes--Attempt-- Definition.

A. A person is guilty of an attempt to commit a violation when he or she intentionally engages in conduct which constitutes a substantial step toward the commission of the violation.

B. An attempt is a:

1. Class B violation, if the offense attempted is a Class A violation;

2. Class C, if the offense attempted is a Class B violation;

3. Infraction, if the offense attempted is a Class C violation, or an unclassified violation.

(Ord. 98-1044 § 3(5): Ord. 641 § III (part), 1974)

Chapter 9.16

DISPOSITION OF OFFENDERS

Sections:

9.16.010 Fines for violations and infractions.
9.16.020 Criteria for imposition of fines.
9.16.030 Costs.
9.16.040 Time and method of payment of fines and costs.

9.16.010 Fines for violations and infractions.

A. A sentence to pay a fine for a violation or infraction shall be a sentence to pay an amount, fixed by the court, not exceeding:

1. One thousand dollars ($1,000.00) for a Class A violation;

2. Five hundred dollars ($500.00) for a Class B violation;

3. Two hundred fifty dollars ($250.00) for a Class C violation;

4. One hundred dollars ($100.00) for an infraction unless otherwise stated in the ordinance provisions defining the infraction.

B. A sentence to pay a fine for an unclassified violation shall be a sentence to pay an amount, fixed by the court, as provided in the ordinance defining the offense.

(Ord. 98-1044 § 4(1): Ord. 641 § IV (part), 1974)

9.16.020 Criteria for imposition of fines.

In determining whether to impose a fine and its amount, the court shall consider:

A. The financial resources of the defendant and the burden that payment of a fine will impose, with due regard to the other obligations of the defendant; and

B. The ability of the defendant to pay a fine on an installment basis or on other conditions to be fixed by the court.

(Ord. 98-1044 § 4(2): Ord. 641 § IV (part), 1974)

9.16.030 Costs.

A. The court may require a convicted defendant to pay costs.

B. Costs shall be limited to expenses specially incurred by the city in prosecuting the defendant.

C. The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

D. A defendant who has been ordered to pay costs and who is not in contumacious default in the payment thereof, may at any time petition the court which sentenced him or her for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under Section 9.16.040 of this chapter.
(Ord. 98-1044 § 4(3): Ord. 641 § IV (part), 1974)

9.16.040 Time and method of payment of fines and costs.

When a defendant has had judgment given against him or her to pay a fine or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the judgment, the fine shall be payable forthwith.
(Ord. 98-1044 § 4(4): Ord. 641 § IV (part), 1974)

Chapter 9.20

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.20.010 False swearing.
9.20.020 Unsworn falsification.
9.20.030 Obstructing governmental administration.
9.20.040 Refusing to assist a peace officer.
9.20.050 Refusing to assist in firefighting operations.
9.20.060 Tampering with physical evidence.
9.20.070 Tampering with public records.
9.20.080 Resisting arrest.
9.20.090 Initiating a false report.
9.20.100 Unlawful impersonation.

9.20.010 False swearing.

A. A person commits false swearing if he or she makes a false sworn statement, knowing it to be false.

B. False swearing is a Class A violation.
(Ord. 98-1044 § 17(1): Ord. 641 § VII(1), 1974)

9.20.020 Unsworn falsification.

A. A person commits unsworn falsification if he or she knowingly makes any false written statement to a public servant in connection with an application for any benefit.

B. Unsworn falsification is a Class B violation.
(Ord. 98-1044 § 17(2): Ord. 641 § VII(2), 1974)

9.20.030 Obstructing governmental administration.

A. A person commits obstructing governmental administration if he or she intentionally obstructs, impairs or hinders the administration of law or other governmental function by means of intimidation, force, physical interference or obstacle.

B. This section shall not apply to obstruction of unlawful governmental action or interference with the making of an arrest.

C. Obstructing governmental administration is a Class A violation.
(Ord. 98-1044 § 17(3): Ord. 641 § VII(4), 1974)

9.20.040 Refusing to assist a peace officer.

A. A person commits the offense of refusing to assist a peace officer if, upon command by a person known by him or her to be a peace officer, he or she unreasonably refuses or fails to assist in effecting an authorized arrest or preventing another from committing a crime or violation.

B. Refusing to assist a peace officer is a Class B violation.
(Ord. 98-1044 § 17(4): Ord. 641 § VII(5), 1974)

9.20.050 Refusing to assist in firefighting operations.

A. A person commits the offense of refusing to assist in firefighting operations if:

1. Upon command by a person known by him or her to be a firefighter, he or she unreasonably refuses or fails to assist in extinguishing a fire or protecting property threatened thereby; or

2. Upon command by a person known by him or her to be a firefighter or peace officer, he or she intentionally and unreasonably disobeys a lawful order relating to his or her conduct in the vicinity of a fire.

B. Refusing to assist in firefighting operations is a Class B violation.
(Ord. 98-1044 § 17(5): Ord. 641 § VII(6), 1974)

9.20.060 Tampering with physical evidence.

A. A person commits the offense of tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, he or she:

1. Destroys, mutilates, alters, conceals or removes physical evidence impairing its verity or availability; or

2. Knowingly makes, produces or offers any false physical evidence; or

3. Prevents the production of physical evidence by an action of force, intimidation or deception against any person.

B. Tampering with physical evidence is a Class A violation.
(Ord. 98-1044 § 17(6): Ord. 641 § VII(8), 1974)

9.20.070 Tampering with public records.

A. A person commits tampering with public records if, without lawful authority, he or she knowingly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record.

B. Tampering with public records is a Class A violation.
(Ord. 98-1044 § 17(7): Ord. 641 § VII(9), 1974)

9.20.080 Resisting arrest.

A. A person commits resisting arrest if he or she intentionally resists a person known by him or her to be a peace officer in making an arrest.

B. "Resists," as used in this section, means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person.

C. It is no defense to a prosecution under this section that the peace officer lacked legal authority to make the arrest; provided, he or she was acting under color of his or her official authority.

D. Resisting arrest is a Class A violation.
(Ord. 98-1044 § 17(8): Ord. 641 § VII(10), 1974)

9.20.090 Initiating a false report.

A. A person commits initiating a false report if he or she knowingly initiates a false alarm or report which is transmitted to a fire department, law enforcement agency or other organization that deals with

emergencies involving danger to life or property.

B. Initiating a false report is a Class C violation.
(Ord. 98-1044 § 17(9): Ord. 641 § VII(11), 1974)

9.20.100 Unlawful impersonation.

A. A person commits unlawful impersonation if, with intent to obtain a benefit or to injure or defraud another, he or she falsely impersonates a public servant and does an act in such assumed character.

B. Unlawful impersonation is a Class A violation.
(Ord. 98-1044 § 17(10): Ord. 641 § VII(12), 1974)

Chapter 9.24

OFFENSES AGAINST THE PERSON

Sections:
9.24.010 Assault in the fourth degree.
9.24.020 Menacing.
9.24.030 Recklessly endangering another person.
9.24.040 Public indecency.

9.24.010 Assault in the fourth degree.

A. A person commits assault in the fourth degree if he or she:

1. Intentionally, knowingly or recklessly causes physical injury to another; or

2. With criminal negligence causes physical injury to another by means of a deadly weapon.

B. Assault in the fourth degree is a Class A violation.
(Ord. 98-1044 § 5(1): Ord. 641 § V(1), 1974)

9.24.020 Menacing.

A. A person commits the crime of menacing if, by word or conduct, he or she intentionally attempts to place another person in fear of imminent serious physical injury.

B. Menacing is a Class A violation.
(Ord. 98-1044 § 5(2): Ord. 641 § V(2), 1974)

9.24.030 Recklessly endangering another person.

A. A person commits recklessly endangering another person if he or she recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

B. Recklessly endangering another person is a Class A violation.
(Ord. 98-1044 § 5(3): Ord. 641 § V(3), 1974)

9.24.040 Public indecency.

A. A person commits public indecency if, while in or in view of a public place, he or she performs:

1. An act of sexual intercourse; or

2. An act of deviate sexual intercourse; or

3. An act of exposing his or her genitals with the intent of arousing the sexual desire of himself or herself or another person.

B. Public indecency is a Class A violation.
(Ord. 98-1044 § 5(4): Ord. 641 § V(4), 1974)

Chapter 9.28

THEFT AND RELATED OFFENSES

Sections:
9.28.010 Definitions.
9.28.020 Consolidation of theft offenses--Pleading and proof.
9.28.030 Theft--Definition.
9.28.040 Theft in the second degree.
9.28.050 Theft of lost, mislaid property.
9.28.060 Theft by deception.
9.28.070 Theft by receiving.
9.28.080 Right of possession.
9.28.090 Value of stolen property.
9.28.100 Theft--Defenses.
9.28.110 Theft of services.

9.28.010 Definitions.

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

"Appropriate property of another to oneself or a third person" or "appropriate" means to:

1. Exercise control over property of another, or to aid a third person to exercise control over property of another, permanently or for so extended a period or under such circumstances as to acquire the major portion of the economic value or benefit of such property; or

2. Dispose of the property of another for the benefit of oneself or a third person,

"Deprive another of property" or "deprive" means to:

1. Withhold property of another or cause property of another to be withheld from him or her

permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him or her; or

2. Dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

"Obtain" means and includes, but is not limited to, the bringing about of a transfer or purported transfer of property or of a legal interest therein, whether to the obtainer or another.

"Owner of the property taken, obtained or withheld" or "owner" means any person who has a right to possession thereof superior to that of the taker, obtainer or withholder.

"Property" means any article, substance or thing of value, including but not limited to money, tangible and intangible personal property, real property, choses-in-action, evidence of debt or of contract.
(Ord. 641 § VI(1), 1974)

9.28.020 Consolidation of theft offenses--Pleading and proof.

A. Conduct denominated theft under Section 9.28.040 of this chapter constitutes a single offense.

B. An accusation of theft is sufficient if it alleges that the defendant committed theft of property of the nature or value required for the commission of the crime charged, without designating the particular way or manner in which the theft was committed.

C. Proof that the defendant engaged in conduct constituting theft, as defined in Section 9.28.040 of this chapter, is sufficient to support any information or complaint for theft.
(Ord. 641 § VI(2), 1974)

9.28.030 Theft--Definition.

A person commits theft when, with intent to deprive another of property or to appropriate property to himself or herself or to a third person, he or she:

A. Takes, appropriates, obtains or withholds such property from an owner thereof; or

B. Commits theft of property lost, mislaid or delivered by mistake, as provided in Section 9.28.050 of this chapter; or

C. Commits theft by deception, as provided in Section 9.28.060 of this chapter; or

D. Commits theft by receiving, as provided in Section 9.28.070 of this chapter.
(Ord. 641 § VI(3), 1974)

9.28.040 Theft in the second degree.

A person commits theft in the second degree if, by other than extortion, he or she:

A. Commits theft as defined in Section 9.28.030 of this chapter; and

B. The total value of the property in a single or aggregate transaction is under two hundred dollars ($200.00).

(Ord. 98-1044 § 6: Ord. 641 § VI(4), 1974)

9.28.050 Theft of lost, mislaid property.

A person who comes into control of property of another that he or she knows or has good reason to know to have been lost, mislaid or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to the owner.

(Ord. 641 § VI(5), 1974)

9.28.060 Theft by deception.

A. A person, who obtains property of another thereby, commits theft by deception when, with intent to defraud, he or she:

1. Creates or confirms another's false impression of law, value, intention or other state of mind which the actor does not believe to be true; or

2. Fails to correct a false impression which he or she previously created or confirmed; or

3. Prevents another from acquiring information pertinent to the disposition of the property involved; or

4. Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

5. Promises performance which he or she does not intend to perform or knows will not be performed.

B. "Deception" does not include falsity as to matters having no pecuniary significance, or representations unlikely to deceive ordinary persons in the group addressed.

C. In a prosecution for theft by deception, the defendant's intention or belief that a promise would not be performed shall not be established by or inferred from the fact alone that such promise was not performed.

D. In a prosecution for theft by deception committed by means of a bad check, it is prima facie evidence of knowledge that the check or order would not be honored if:

1. The drawer has no account with the drawee at the time the check or order is drawn or uttered; or

2. Payment is refused by the drawee for lack of funds, upon presentation within thirty (30) days after the date of utterance, and the drawer fails to make good within ten days after receiving notice of refusal.

(Ord. 641 § VI(6), 1974)

9.28.070 Theft by receiving.

A. A person commits theft by receiving if he or she receives, retains, conceals or disposes of property of another knowing or having good reason to know that the property was the subject of theft.

B. "Receiving" means acquiring possession, control or title, or lending on the security of the property.

(Ord. 641 § VI(7), 1974)

9.28.080 Right of possession.

Right of possession of property is as follows:

A. A person who has obtained possession of property by theft or other illegal means shall be deemed to have a right of possession superior to that of a person who takes, obtains or withholds the property from him or her by means of theft.

B. A joint or common owner of property shall not be deemed to have a right of possession of the property superior to that of any other joint or common owner of the property.

C. In the absence of a specific agreement to the contrary, a person in lawful possession of property shall be deemed to have a right of possession superior to that of a person having only a security interest in the property, even if legal title to the property lies with the holder of the security interest pursuant to a conditional sale contract or other security agreement.

(Ord. 641 § VI(8), 1974)

9.28.090 Value of stolen property.

For the purposes of this code, the value of property shall be ascertained as follows:

A. Except as otherwise specified in this section, "value" means the market value of the property at the time and place of the crime or, if such cannot reasonably be ascertained, the cost of replacement of the property within a reasonable time after the crime.

B. Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value, shall be evaluated as follows:

1. The value of an instrument constituting an evidence of debt, including but not limited to a check, draft or promissory note, shall be considered the amount due or collectible thereon or thereby.

2. The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be considered the greatest amount of economic loss which the owner might reasonably suffer because of the loss of the instrument.

C. When the value of property cannot reasonably be ascertained, it shall be presumed to be an amount less than two hundred dollars ($200.00).

(Ord. 641 § VI(9), 1974)

9.28.100 Theft--Defenses.

A. In a prosecution for theft, it is a defense that the defendant acted under an honest claim of right, in that:

1. The defendant was unaware that the property was that of another; or

2. The defendant reasonably believed that he or she was entitled to the property involved or had a right to acquire or dispose of it as he or she did.

B. In a prosecution for theft by receiving, it is a defense that the defendant received, retained, concealed or disposed of the property with the intent of restoring it to the owner.

C. It is a defense that the property involved was that of the defendant's spouse, unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft.

(Ord. 641 § VI(10), 1974)

9.28.110 Theft of services.

A. A person commits theft of services, if:

1. With intent to avoid payment therefor, he or she obtains services that are available only for compensation, by force, threat, deception or another means to avoid payment for the services; or

2. Having control over the disposition of labor or of business, commercial or industrial equipment or facilities of another, he or she uses or diverts to the use of himself or herself or a third person such labor, equipment or facilities with intent to derive a commercial benefit for himself or herself or a third person not entitled thereto.

B. As used in this section, "services" includes, but is not limited to, labor, professional services, toll facilities, transportation, telephone or other communications services, entertainments, the supplying of food, lodging or other accommodations in hotels, restaurants or elsewhere, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water.

C. Absconding without payment or offer to pay for hotel, restaurant or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the

services were obtained by deception.

D. Theft of services is a Class A violation.
(Ord. 98-1044 § 7: Ord. 641 § VI(11), 1974)

Chapter 9.32

OFFENSES AGAINST PROPERTY

Sections:
9.32.010 Trespass--Definitions.
9.32.020 Trespass in the second degree.
9.32.030 Trespass in the first degree.
9.32.040 Reckless burning.
9.32.050 Unlawful mischief in the third degree.
9.32.060 Unlawful mischief in the second degree.
9.32.070 Destruction of official notices and signs.
9.32.080 Improper garbage transportation.
9.32.090 Failing to remove snow or ice.

9.32.010 Trespass--Definitions.

As used in Sections 9.32.020 through 9.32.060 of this chapter, except as the context otherwise requires:

"Building," in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft or other structure adapted for overnight accommodations of persons or for carrying on business therein. Where a building consists of separate units, including but not limited to separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate building.

"Dwelling" means a building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.

"Enter or remain unlawfully" means:

1. To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so; or

2. To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.

"Open to the public" means premises which by their physical nature, function, custom, usage, notice or lack thereof, or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

"Person in charge" means a person, his or her representative or his or her employee who has lawful control of premises by ownership, tenancy, official position or other legal relationship. It includes, but is not limited to the person or holder of a position, designated as the person or position-holder in charge by the governor, board, commission or governing body of any political subdivision of this state.

"Premises" includes any building and any real property, whether privately or publicly owned.

"Property of another" means property in which anyone other than the actor has a possessory or proprietary interest.
(Ord. 98-1044 § 8; Ord. 641 § VI(12), 1974)

9.32.020 Trespass in the second degree.

A. A person commits trespass in the second degree if he or she enters or remains unlawfully in or upon premises.

B. A person commits trespass in the second degree if he or she permits, brings or allows any horse, mule, donkey or other such animal, whether or not attended, at any time on any site or lands of School District #88J within the city of Sherwood, unless directed or permitted to do so by the administrative officers of the district.

C. A person commits trespass in the second degree if he or she, uses, operates or rides upon any motorized vehicle on or within any lands of School District #88J, within the city of Sherwood, improved for school site purposes, other than on or within driveways, parking areas and other areas specially designated for vehicular use, unless directed to do so by the administrative officers of the district.

D. Trespass in the second degree is a Class C violation.
(Ord. 98-1044 § 9: Ord. 641 § VI(13), 1974)

9.32.030 Trespass in the first degree.

A. A person commits trespass in the first degree if he or she enters or remains unlawfully in a dwelling.

B. Trespass in the first degree is a Class A violation.
(Ord. 98-1044 § 10: Ord. 641 § VI(14), 1974)

9.32.040 Reckless burning.

A. A person commits reckless burning if he or she recklessly damages property of another by fire or explosion.

B. Reckless burning is a Class A violation.
(Ord. 98-1044 § 11: Ord. 641 § VI(15), 1974)

9.32.050 Unlawful mischief in the third degree.

A. A person commits unlawful mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that he or she has such right, he or she tampers or interferes with property of another.

B. Unlawful mischief in the third degree is a Class C violation.
(Ord. 98-1044 § 12: Ord. 641 § VI(16), 1974)

9.32.060 Unlawful mischief in the second degree.

A. A person commits unlawful mischief in the second degree if:

1. He or she violates Section 9.32.050 of this chapter and as a result thereof damages property in an amount exceeding one hundred dollars ($100.00); or

2. Having no right to do so nor reasonable ground to believe that he or she has such right, he or she intentionally damages property of another, or he or she recklessly damages property of another in an amount exceeding one hundred dollars ($100.00).

B. Unlawful mischief in the second degree is a Class A violation.
(Ord. 98-1044 § 13: Ord. 641 § VI(17), 1974)

9.32.070 Destruction of official notices and signs.

A. A person commits the offense of destruction of official notices and signs if he or she defaces or tears down any official notice or bulletin, or any official sign or signal posted or placed in conformity with law.

B. Destruction of official notices and signs is a Class B violation.
(Ord. 98-1044 § 16: Ord. 641 § VI(20), 1974)

9.32.080 Improper garbage transportation.

A. It be unlawful for any person to carry any garbage, filth or refuse along any sidewalk or transport any garbage, swill or refuse through any street, except in a covered wagon or in a tightly covered box or apparatus, such wagon, box or apparatus to be fastened down over the entire contents of the load as to prevent such contents from leaking, spilling, dropping, or in any manner being deposited in the street, or from being exposed to the open air during such transportation.

B. Improper garbage transportation is a Class C violation.
(Ord. 98-1044 § 24; Ord. 641 § VIII(13), 1974)

9.32.090 Failing to remove snow or ice.

A. A person commits the offense of failing to remove snow or ice if he or she, being the tenant, occupant or person having the care of a building or of land bordering on a street where there is a sidewalk, or if there be no tenant, occupant or caretaker, then the owner thereof:

1. Fails or neglects, within the first six hours of daylight after snow ceases to fall, to remove the snow from the entire length of said premises for a space not less than three feet in width. This section shall apply also to snow which has fallen from any roof or building.

2. Fails, in the event any portion of said sidewalk is covered with ice, to cause such sidewalk to be made safe for travel by covering same with sand, ashes, or some other suitable substance within the first six hours of daylight after the formation of said ice.

B. Failing to remove snow or ice is a Class C violation.
(Ord. 98-1044 § 26: Ord. 641 § VIII(16), 1974)

Chapter 9.36

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.36.010 Littering or dumping of rubbish.
9.36.020 Poisoning dogs.
9.36.030 Disorderly conduct.
9.36.040 Harassment.
9.36.050 Abuse of venerated objects.
9.36.060 Offensive littering.
9.36.070 Creating a hazard.
9.36.080 Misrepresentations of age by a minor.
9.36.090 Sale or gift of liquor to minor, intoxicated or interdicted person.
9.36.100 Purchase or possession of alcoholic liquor by minor.
9.36.110 Blasting without permit.
9.36.120 Unlawful use of sidewalks.
9.36.130 Unlawful sale and use of fireworks.
9.36.140 Unlawful discharge of weapons.
9.36.150 Expectoration.

9.36.010 Littering or dumping of rubbish.

Any person who throws, dumps, places, deposits, or drains, or causes or permits to be drained upon the land of another, without permission of the owner, or upon any public road, highway, street, alley, or any easement used by the public for public travel, referred to later in this section as a public way, any cans, glass, nails, tacks, broken dishes or crockery, carcass of any dead animal, old clothing, old automobile tires, old automobile parts, boards, metal, or any sort of rubbish, trash, debris, or refuse, or any sewage or the drainage from any cesspool or septic tank, or any substance which would mar the appearance, create a stench, or detract from the cleanliness or safety of such public way, or would be likely to injure any animal, vehicle, or person traveling upon such public way, shall be punished, upon conviction, by a fine not to exceed five hundred dollars ($500.00). Violation of this section is a civil infraction.
(Ord. 97-1034 § 1: Ord. 560, 1967)

9.36.020 Poisoning dogs.

A. A person commits the offense of poisoning a dog or dogs if, with intent to kill or injure any dog or dogs, he or she puts out or places, where it is likely to be eaten by any dog or dogs, any meat, food or substance containing poison, ground glass or other substance likely to kill or seriously injure any dog.

B. The offense of poisoning dogs is a Class B violation.
(Ord. 98-1044 § 15: Ord. 641 § VI(19), 1974)

9.36.030 Disorderly conduct.

A. A person commits disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she:

1. Engages in fighting or in violent, tumultuous or threatening behavior; or

2. Makes unreasonable noise; or

3. Disturbs any lawful assembly of persons without lawful authority; or

4. Obstructs vehicular or pedestrian traffic on a public way; or

5. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

6. Initiates or circulates a report, knowing it to be false, concerning an alleged or pending fire, explosion, fire, catastrophe or other emergency; or

7. Creates a hazardous or physically offensive condition by any act which he or she is not licensed or privileged to do.

B. Disorderly conduct is a Class B violation.
(Ord. 98-1044 § 18: Ord. 641 § VIII(1), 1974)

9.36.040 Harassment.

A. A person commits harassment if the person intentionally:

1. Harasses or annoys another person by:

   a. Subjecting such other person to offensive physical contact; or

   b. Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response;

2. Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; or

3. Subjects another to alarm by conveying a telephonic or written threat to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm.

B. A person is liable for harassment if the person knowingly permits any telephone under the

person's control to be used in violation of subsection A of this section.

C. Harassment is a Class B violation.

D. Notwithstanding subsection C of this section, harassment is a Class A violation if a person violates subsection A of this section by subjecting another person to offensive physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of the other person.
(Ord. 98-1044 § 20: Ord. 97-1026 § 1; Ord. 641 § VIII(4), 1974)

9.36.050 Abuse of venerated objects.

A. A person commits abuse of venerated objects if he or she intentionally abuses a public monument or structure or a place of worship or burial.

B. As used in this section, "abuse" means to deface, damage, defile or otherwise physically mistreat in a manner likely to outrage public sensibilities.

C. Abuse of venerated objects is a Class C violation.
(Ord. 98-1044 § 21 (part): Ord. 641 § VIII(5), 1974)

9.36.060 Offensive littering.

A. A person commits offensive littering if he or she creates an objectionable stench, or degrades the beauty or appearance of property, or detracts from the natural cleanliness or safety of property by intentionally:

1. Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way; or

2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

3. Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he or she is operating; except, that this subsection will not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the interstate commerce commission or the department of transportation, or a person operating a school bus described under ORS 801.460.

B. As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, a county or a local municipality for use by the general public.

C. Offensive littering is a Class C violation.
(Ord. 98-1044 § 21 (part): Ord. 641 § VIII(6), 1974)

9.36.070 Creating a hazard.

A. A person commits the offense of creating a hazard if:

1. He or she intentionally maintains or leaves in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot easily be opened from the inside; or

2. Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more and a top width of twelve (12) inches or more, he or she intentionally fails or refuses to cover or fence it with a suitable protective construction.

B. Creating a hazard is a Class B violation.
(Ord. 98-1044 § 21 (part): Ord. 641 § VIII(7), 1974)

9.36.080 Misrepresentations of age by a minor.

A. A person commits misrepresentation of age by a minor if:

1. Being less than a certain, specified age, he or she knowingly represents himself or herself to be of any age other than his or her true age with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age; or

2. Being unmarried, he or she knowingly represents that he or she is married with the intent of securing a right, benefit or privilege which by law is denied to unmarried persons.

B. Misrepresentation of age by a minor is a Class C violation.
(Ord. 98-1044 § 21 (part): Ord. 641 § VIII(8), 1974)

9.36.090 Sale or gift of liquor to minor, intoxicated or interdicted person.

A. No person shall sell alcoholic liquor to any person under the age of twenty-one (21) years, to a person who is visibly intoxicated, or to a person who has been interdicted.

B. No person other than his or her parent or guardian shall give or otherwise make available any alcoholic liquor to any person under the age of twenty-one (21) years.

C. Sale or gift of liquor to a minor, intoxicated or interdicted person is a Class B violation.
(Ord. 98-1044 § 22(a): Ord. 641 § VIII(10), 1974)

9.36.100 Purchase or possession of alcoholic liquor by minor.

A. No person under the age of twenty-one (21) years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by his or her parent or guardian and with such parent's or guardian's consent, no person under the age of twenty-one (21) years shall have in his or her possession alcoholic liquor.

B. For the purpose of subsection A of this section, possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof, or a drink of such liquor. However, the provisions of subsection A of this section do not prohibit the consumption by any person of sacramental wine as part of a religious rite or service.

C. Purchase or possession of alcoholic liquor by a minor is a Class C violation.
(Ord. 98-1044 § 22(b); Ord. 641 § VIII(11), 1974)

9.36.110 Blasting without permit.

A. No person shall, without having first received a permit from the city engineer, explode or cause to be exploded any gunpowder, dynamite or other explosive for any purpose.

B. The city engineer, before issuing a permit for blasting, shall require the person to whom the permit is to be issued, to specify the location where the blasting is to be done, and shall further require insurance for such amounts as he or she may deem necessary to protect the city and any person or property in said city from all damage or loss that might result from such blasting, and to protect the city, its officers, agents and employees, from all claims for such damage or loss.

Evidence of such insurance, in a form satisfactory to the city attorney, shall be filed with the city engineer, and shall not be less than fifty thousand dollars ($50,000.00) for injury to one person, one hundred thousand dollars ($100,000.00) for injuries arising from one accident, and fifty thousand dollars ($50,000.00) for damage to property.

The city engineer shall also have power and authority to limit the force of explosions to be made. If he deems it in the interest of the city or a proper protection of life and property, he may refuse to issue such permit.

C. The offense of blasting without a permit is a Class A violation.
(Ord. 98-1044 § 25; Ord. 641 § VIII(14), 1974)

9.36.120 Unlawful use of sidewalks.

A. A person commits the offense of unlawful use of any sidewalk or public pedestrian pathway if he or she:

1. Gathers with others or so stands upon such sidewalk or pathway as to prevent, impede or obstruct the free passage of pedestrian traffic; or

2. Leads, rides, ties or fastens any goat, horse, cow, sheep, swine or other similar animal in such a manner as to permit it to go along or remain upon any sidewalk, sidewalk area or public pedestrian pathway; or

3. Rides or operates any redicycle, including bicycle, on any sidewalk in the city; provided, however, that bicycles used for delivery of papers or merchandise may be operated on the sidewalks while being so used within the residential sections of the city only; provided, further,

that any person riding or operating a bicycle on any sidewalk in the residential sections of the city shall at all times yield the right-of-way to pedestrians using such sidewalk.

Residential sections are defined, for the purposes of this section, to include all parts of the city contiguous to a street or highway not within a business district; or

4. Rides or operates any motorized vehicle upon any sidewalk except when necessary to do so to enter or exit abutting property or to cross between a street and alleyway.

B. Unlawful use of sidewalks is a Class C violation.
(Ord. 98-1044 § 27; Ord. 97-1026 § 2; Ord. 641 § VIII(17), 1974)

9.36.130 Unlawful sale and use of fireworks.

A. For purposes of this section, and unless otherwise required by context, "fireworks" means:

Any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound; but does not include:

1. Sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, and when the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

2. Snakes or similar smoke-producing material containing not more than one hundred (100) grains of combustible substances when there is no visible flame during discharge, there is no after-smoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.

B. For purposes of this section, "sparklers" means:

Materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other noncombustible central support, with such materials arranged in a cylindrical shape not more than ten inches in length nor more than one-quarter inch in diameter, and which shall not burn more rapidly than one inch in ten seconds, but not including materials

incased within a container of any character.

"Explosive substance" or "explosive mixture," as used in this section, shall mean any substance so arranged as to burn in less than one second. "Combustible substance" shall means any substance so arranged as to burn in more than one second.

C. A person commits the offense of unlawful use of fireworks if he or she sells, keeps or offers for sale, exposes for sale, uses, possesses or explodes any fireworks within the city, except as follows:

Sales by manufacturers and wholesalers for direct out-of-state shipment.

Sales of shells, cartridges, gunpowder or explosives for use in legally permitted firearms.

D. Unlawful use of fireworks is a Class C violation.
(Ord. 98-1044 § 28; Ord. 641 § VIII(18), 1974)

9.36.140 Unlawful discharge of weapons.

A. No person, other than a peace officer, shall fire or discharge within the city any gun or other weapon, including spring or air actuated pellet guns, air guns, BB guns, or other weapons which propel a projectile by use of gun powder or other explosive, jet or rocket propulsion, use of gas or other propellant.

B. No person may shoot a slingshot, blow gun, bow and arrow or any instrument of any similar type or throw a dagger, spear, stiletto, throwing star or any instrument of any other type.

C. The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon by:

1. Persons lawfully defending life or property as provided in ORS 161.219; or

2. Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting.

D. Unlawful discharge of weapons is a Class B violation.
(Ord. 98-1044 § 29; Ord. 97-1030: Ord. 91-941)

9.36.150 Expectoration.

A. A person commits the offense of expectoration if he or she expectorates upon any sidewalk or street or on or in any public building or public place except in receptacles provided for that purpose.

B. Expectoration is a Class C violation.
(Ord. 98-1044 § 30; Ord. 641 § VIII(20), 1974)

Chapter 9.40

CURFEW

Sections:

9.40.010 Short title.
9.40.020 Definitions.
9.40.030 Prohibition of certain minors being in public places during certain times.
9.40.040 Hours of curfew.
9.40.050 Prohibition of parents from allowing minors to be in public places during curfew hours.
9.40.060 Custody of minors violating curfew.
9.40.070 Affirmative defenses.
9.40.080 Violation--Penalty.

9.40.010 Short title.

The ordinance codified in this chapter shall be known and may be cited as the curfew ordinance and may be referred to herein as this chapter.
(Ord. 95-1002 § 4)

9.40.020 Definitions.

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

"Minor" means a person who is under eighteen (18) years of age.

"Parent" means the natural or adoptive father or mother of a dependent child or the stepfather or stepmother of a dependent child, when such stepparent has a legal obligation to support the child.

"Public place" means any public roadway or any premises open to the general public, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.
(Ord. 95-1002 § 5)

9.40.030 Prohibition of certain minors being in public places during certain times.

No minor shall be in a public place during the hours of curfew specified in Section 9.40.040 of this chapter, unless accompanied or visually supervised by a parent or a person eighteen (18) years of age or over who is authorized to have care and custody of the minor either by law or by a parent of the minor, provided, however that no minor shall be prohibited from being in a public place while engaged in traveling to or from a place of employment or an educational, religious or similar activity.
(Ord. 95-1002 § 6)

9.40.040 Hours of curfew.

A As to minors under fourteen (14) years of age:

1. During the months of September through May, the hours of curfew shall be between nine-fifteen p.m. and six a.m. the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the city, the curfew shall be between ten-fifteen p.m. and

six a.m. the following morning.

2. During the months of June through August, the hours of curfew shall be between ten-fifteen p.m. and six a.m. the following morning.

B. As to minors fourteen (14) years of age or older:

1. During the months of September through May, the hours of curfew shall be between ten-fifteen p.m. and six a.m. the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the city, the curfew shall be between eleven-fifty-nine p.m. and six a.m. the following morning.

2. During the months of June through August, the hours of curfew shall be between eleven-fifty-nine p.m. and six a.m. the following morning.

(Ord. 95-1002 § 7)

9.40.050 Prohibition of parents from allowing minors to be in public places during curfew hours.

No parent of a minor shall allow or fail to prohibit such minor to be in a public place in violation of Section 9.40.030.
(Ord. 95-1002 § 8)

9.40.060 Custody of minors violating curfew.

Any minor who violates any provision of this chapter may be taken into temporary custody as provided by ORS 419-760 and may be subjected to further proceeding as provided therein.
(Ord. 95-1002 § 9)

9.40.070 Affirmative defenses.

The following are affirmative defenses to the offenses described in Section 9.40.030 and Section 9.40.050, to be proved by the defendant by a preponderance of the evidence:

A. That a minor was accompanied by a parent or by a person eighteen (18) years of age or over who was authorized to have care and custody of minor either by law or by a parent of the minor; or

B. That the minor was engaged in traveling to or from a place of employment or an educational, religious or similar activity.

(Ord. 95-1002 § 10)

9.40.080 Violation--Penalty.

Violation of this curfew chapter is a Class C violation.
(Ord. 98-1044 § 23; Ord. 95-1002 § 11)

Chapter 9.44

NUISANCES

Sections:

9.44.010 Definition of nuisances.
9.44.020 Noxious vegetation.
9.44.030 Hazards.
9.44.040 Maintenance of nuisances.
9.44.050 Open storage of junk.
9.44.060 Abatement of nuisances.

9.44.010 Definition of nuisances.

The following are declared to be nuisances affecting the public health and safety, and may be abated in the manner prescribed in Section 9.44.060 of this chapter:

A. Maintenance on any private property of any open vault or privy.

B. Maintenance or keeping on private property of any animal, substance or condition causing an odor unreasonably offensive to the public.

C. Maintenance or keeping of any livestock or buildings for the purpose of housing such livestock in such places or in such a manner that they will be offensive or annoying to residents within the immediate vicinity thereof, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies or other pests.

D. Maintenance of any dead animal or bird exposed on private property for any period of time longer than reasonably necessary to accomplish the removal or disposal of the carcass.

E. Maintenance of any condition, activity, operation or vocation on private property which causes noise unreasonably offensive to the public.

F. Maintenance on private property of grass, weeds and noxious vegetation contrary to the provisions of Section 9.44.020 of this chapter.

G. Maintenance on private property of any hazardous condition contrary to the provisions of Section 9.44.030 of this chapter.

(Ord. 641 § IX(1), 1974)

9.44.020 Noxious vegetation.

The owner, person in possession, or agent of the owner of any lot, tract or parcel of land, improved or unimproved, shall, during the months of May, June, July, August and September of each year, cut and remove, and keep cut and removed therefrom and from the half of the street or streets abutting the property, all weeds, thistles, burdock, ferns and other noxious vegetation, and all grass more than ten inches in height, and all dead bushes, dead trees, stumps and any other thing likely to cause fire.

Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation

grown for food, fuel or ornament or for the production of food, fuel or ornament; providing, that the health and safety of the public be not thereby endangered by the maintenance of such growth or vegetation.
(Ord. 641 § IX(2), 1974)

9.44.030 Hazards.

During all months of the year, such person shall remove and keep removed therefrom all stagnant water, filth, rubbish, waste material and any other substance which may endanger or injure neighboring property, passersby or the health, safety or welfare of the public. During all months of the year, he or she shall keep the sidewalk and streets abutting such property free from earth, rock and other debris, and from projecting and/or overhanging bushes, brush and limbs that may obstruct or render unsafe the passage of persons or vehicles.
(Ord. 641 § IX(3), 1974)

9.44.040 Maintenance of nuisances.

A. Any person who is an owner, tenant, person in possession, or person having the care of any real property, commits the violation of maintaining a nuisance if he or she maintains or fails to remove or abate any of the nuisances set forth in Section 9.44.010 of this chapter.

B. Maintaining a nuisance is a Class C violation.

C. Each day's violation of this section shall constitute a separate offense.
(Ord. 98-1044 § 31: Ord. 641 § IX(4), 1974)

9.44.050 Open storage of junk.

A. A person commits the violation of open storage of junk when, as the owner, tenant, person in possession, or person in charge of or having the care of any real property, he or she deposits, stores, maintains or keeps on any real property within the city, outside a fully enclosed storage facility, building or garbage receptacle, any of the following:

1. Inoperable, unusable, partially dismantled automobiles, cars, trucks, trailers or other vehicular equipment or parts thereof in a state of disrepair for more than ten days as to any one automobile, car, truck, trailer or piece of vehicular equipment.

2. Used or dismantled household appliances, furniture, or parts thereof, or discards, garbage, debris, rubbish, junk, trash or refuse for more than five days.

B. Nothing contained in any section of this chapter shall be construed as permitting any activity otherwise prescribed or regulated by other ordinances or statutes applicable within the city.

C. Open storage of junk is a Class C violation.

D. Each day's violation of this section shall constitute a separate offense.
(Ord. 98-1044 § 32: Ord. 641 § IX(5), 1974)

9.44.060 Abatement of nuisances.

A. Any of the nuisances described in Sections 9.44.010, 9.44.020, 9.44.030 or 9.44.050 of this chapter may be abated as prescribed in this section.

B. Notice.

1. Whenever it is declared by ordinance that anything is a nuisance and the police chief or other code enforcement officer has knowledge that such nuisance exists, unless the ordinance authorizes summary abatement, he or she shall cause to be posted upon the property liable for the abatement of such nuisance a notice, in legible characters, directing the removal of such nuisance, which notice shall be substantially in the following form:

NOTICE TO REMOVE AND ABATE NUISANCE

Date of Notice:_____

TO:_____, the owner or occupant of the following described real property:

____,

(address)

____,

(tax lot and assessor's map #)

in the city of Sherwood, Oregon.

There exists on said premises the following nuisance or condition:

____,

____,

which is in violation of City Code Section _____.

You are hereby notified to remove and abate this nuisance or condition from said property within ten days of the date of this notice. If you deny that this condition is a nuisance in violation of City Code you must file with the City Manager at Sherwood City Hall, 20 N.W. Washington, Sherwood, Oregon 97140, within 10 days of the date of this notice, a written request for a hearing at which you will be provided an opportunity to show cause why you should not be required to abate this condition.

If you fail to remove or abate the nuisance or condition complained of or fail to request a hearing within 10 days of the date of this notice, the City of Sherwood may cause the nuisance to be abated and charge the cost of said abatement against the property described in this notice.

Dated:_____.

____

Police Chief/Code Enforcement Officer

2. The police chief or code enforcement officer shall also, at approximately the time of posting such notice, notify the city manager thereof; and shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the owner or agent of the owner of said real property, directed to the last known post office address of such owner or agent or, if the post office address of both is unknown, to such owner or agent at Sherwood, Oregon.

The chief of police or code enforcement officer may delegate any city employee to post or mail such notice. The person posting such notice and the person mailing the same shall forthwith file in the city manager's office a certificate stating the date and place of such mailing and posting.

An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of such property shall not render void such notice, but in such case, the posted notice shall be deemed sufficient.

C. Nuisance to be Abated Within Ten Days--Hearing.

1. Within ten days after posting and mailing of such notice, the owner, agent of the owner, or occupant of any such property shall remove and abate such nuisance or request a hearing to show that no nuisance in fact exists. Upon receipt of a request for a hearing, the city manager shall set a date for the matter to be heard in regular course of business. At the time set for hearing, such person may appear and be heard by the manager, and the manager shall thereupon determine whether or not such nuisance exists.

2. The manager may appoint a special hearings officer to hear the matter in lieu of the manager personally conducting the hearing.

3. If it be determined by the manager or hearings officer that such nuisance exists, the proceedings hereinafter specified shall be followed. The city manager shall forthwith notify the police chief or code enforcement officer of the action by the city manager.

D. Abatement by City. If, within the time fixed in the code, the nuisance described in the notice has not been removed and abated, or at hearing cause has not been shown, as specified in subsection C of this section, why such nuisance should not be removed and abated, the police department or code enforcement officer shall cause said nuisance to be removed and abated.

Where summary abatement is authorized and no notice to abate is given, the police department or code enforcement officer shall cause said nuisance to be removed and abated. An accurate account of all expenses incurred shall be kept, including an overhead charge of ten percent for administration. After completion of

removal and abatement, a statement of the cost thereof shall be filed with the city manager.

E. Notice of Assessment.

1. Upon receipt of such statement, the city manager shall forthwith mail to the owner of such property therein mentioned, a notice setting forth the expense incurred and stating that the council proposes to assess against his or her property the amounts mentioned in subsection D of this section, and that objections to the proposed assessment may be made in writing and filed with the city manager on or before twenty (20) days from date of mailing such notice.

2. Upon expiration of said period of twenty (20) days, objections to the proposed assessment shall be heard and determined by the council in regular course of business.

3. Any assessment for such cost and overhead expenses shall be made by ordinance, and shall be entered in the lien docket of the city; and upon such entry, the same shall constitute a lien upon the property from which said nuisance was removed and abated, which lien shall be collected in all respects as provided for street improvement liens, and shall bear interest at the rate of nine percent per annum from ten days after date of entry in the lien docket.

An error in the name of the owner or in the use of a name other than that of the true owner of such property or the failure of the owner to receive notice of such assessment shall not render said assessment void, but the same shall be a valid and existing lien against said property.

F. Summary Abatement. The procedure provided by this chapter is not exclusive but in addition to procedure provided by other ordinances; and furthermore, the health officer, the chief of the fire department and the police officers of this city may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent damager to human life or property.

G. Abatement not Exclusive Remedy. The abatement of a nuisance, as herein provided, shall not constitute a penalty for a violation of this chapter, but shall be in addition to any penalty imposed for a violation of this chapter.
(Ord. 98-1044 § 33: Ord. 641 § IX(6), 1974)

Chapter 9.46

ABATEMENT OF NOXIOUS WEEDS

Sections:

9.46.010 Purpose.
9.46.020 Definitions.
9.46.030 Nuisance plants.
9.46.040 Prohibited plants.
9.46.050 Modification of plant lists.
9.46.060 Requirement to abate plants identified in Sections 9.46.030--9.46.040.
9.46.070 Eradication of weeds when owner or occupant refuses to do so.
9.46.080 Weed abatement activities on public lands subject to certain regulations.
9.46.090 Wetlands and natural areas.
9.46.100 Noxious weed debris disposal and transportation.
9.46.110 Duty to clean machinery before moving.

9.46.120 Coordination with county, state and federal authorities.
9.46.130 Violation--Penalty.

9.46.010 Purpose.

Section 8.16.160 of the property maintenance code requires property owners to maintain their properties free of weeds, and Section 9.44.020 Nuisances (Noxious Vegetation) requires property owners to remove vegetation that poses a threat to public safety. This chapter serves to address specific noxious weeds and identify some of the region's more prevalent and disruptive species, with measures to prevent the introduction and establishment of weed infestations, and encourage the removal of existing infestations.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.020 Definitions.

"Control" means, as appropriate, eradicating, suppressing, reducing, or managing weed species populations, preventing the spread of weeds from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of weeds and to prevent further invasions.

"Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

"Native species" means, with respect to a particular ecosystem, a species that historically occurred or currently occurs in that ecosystem, other than as a result of introduction.

"Natural areas" are lands set aside for the preservation of significant natural resources, open space, and remnant landscapes, including wetland, riparian and upland areas and are intended to be left-alone or managed in a natural state.

"Noxious weeds" are exotic, non-indigenous, plant species that are injurious to public health, agriculture, recreation, wildlife, or any public or private property.

"Nuisance plants" are native, naturalized, or exotic plant species that tend to dominate plant community and/or pose an inherent risk to public health.

"Prohibited plants" are plants that are banned from being used in all landscaping situations, propagated, and sold within the city limits.

"Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

"Wetlands" are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.030 Nuisance plants.

While the following plants are not prohibited within the city limits, the city encourages and may require removal if upon determination the infestations pose a public health risk or threaten to invade an adjacent, uninfected, sensitive area. These plants may be native, naturalized, or exotic. They are divided into two groups: plants which are considered a nuisance because of their tendency to dominate plant communities, and plants which are considered harmful to humans. Other local, state, or federal laws may still regulate removal of certain plants on this list.

Dominating Plants	
Scientific Name	Common Name
Acer platanoides	Norway Maple
Ailanthus altissima	Tree-of-heaven
Alliaria officinalis	Garlic Mustard
Chelidonium majou	Lesser Celandine
Cirsium arvense	Canada Thistle
Cirsium vulgare	Common Thistle
Clematis ligusticifolia	Western Clematis
Clematis vitalba	Traveler's Joy
Convolvulus seppium	Lady's-nightcap
Cortaderia selloana	Pampas grass
Crataegus sp. except C. douglasii	Hawthorn, except native species
Daucus carota	Queen Anne's Lace
Egeria densa	South American Waterweed
Elodea densa	South American Waterweed
Erodium cicutarium	Crane's Bill
Geranium robertianum	Robert Geranium
Hypericum perforatum	St. John's Wort
Ilex aquafolium	English Holly
Iris pseudacorus	Yellow Flag
Lemna minor	Duckweed, Water Lentil
Leontodon autumnalis	Fall Dandelion
Myriophyllum spicatum	Eurasian Watermilfoil
Poa annua	Annual Bluegrass
Polygonum coccineum	Water Smartweed
Polygonum convolvulus	Climbing Bindweed
Polygonum sachalinense	Giant Knotweed
Prunus laurocerasus	English, Portugese Laurel
Rubus laciniatus	Evergreen Blackberry
Senecio jacobaea	Tansy Ragwort
Solanum dulcamara	Blue Bindweed
Solanum sarrachoides	Hairy Nightshade
Taraxacum officinale	Common Dandelion
Utricularia vulgaris	Common Bladderwort
Vinca major	Periwinkle (large leaf)
Vinca minor	Periwinkle (small leaf)
Xanthium spinoseum	Spiny Cocklebur
Various genera	Bamboo sp.
Harmful Plants	
Scientific Name	**Common Name**
Conium maculatum	Poison-hemlock
Laburnum watereri	Golden Chain Tree
Rhus diversiloba	Poison Oak

Solanum nigrum	Garden Nightshade

(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.040 Prohibited plants.

Prohibits the following plants from being used in all landscaping situations, propagated, and sold within the city limits. This provision applies to the below named species only, and includes any sub-species, varieties, or cultivars of these species. Additional plant species may be prohibited by adopted land use plans in specific areas or situations.

Prohibited Plants	
Scientific Name	Common Name
Convolvulus arvensis	Field Morning-glory
Cytisus scoparius	Scotch Broom
Hedera helix	English Ivy
Lythrum salicaria	Purple Loosestrife
Phalaris arundinacea	Reed Canarygrass
Rubus discolor	Himalayan Blackberry

(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.050 Modification of plant lists.

Plants may be added to or removed from the lists provided in Sections 9.46.030--9.46.040, when requested and approved by council. When an amendment to either list is requested, staff will consult with at least three or more knowledgeable persons with botany, biology, or landscape architecture backgrounds to determine if the requested change is warranted.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.060 Requirement to abate plants identified in Sections 9.46.030--9.46.040.

Property owners may be required to remove infestations of certain plants, identified in Sections 9.46.030--9.46.040, based upon one of the following determining factors: the plant species poses an inherent risk to public health, as per Section 9.44.020; the plant species was not previously found within the region and is known to significantly impact local environmental resources; and the plant species poses an inherent risk of invading and significantly altering and impacting nearby uninfected properties.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.070 Eradication of weeds when owner or occupant refuses to do so.

If the owner or occupant of the land fails or refuses to immediately destroy or cut weeds, when requested per Section 9.46.060, the city manager or designee may authorize staff to go upon the property and destroy the noxious weeds; unless the destruction or control of the weeds on any property is in the judgment of staff impracticable because the weeds may be too far advanced or if for any other reason the means of control available are unsatisfactory.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.080 Weed abatement activities on public lands subject to certain regulations.

Private citizens wanting to perform noxious weed control activities on public lands shall request written permission from the city or jurisdictional agency prior to the commencement of any work. All work must comply with practices outlined in the city's weed management plan.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.090 Wetlands and natural areas.

Prohibits the deliberate introduction and planting of vegetation identified in Sections 9.46.030--9.46.040 in natural areas and wetlands within the city of Sherwood. Weed control activities within properties designated as wetlands and natural areas, shall utilize approved treatment techniques that minimize impact to the surrounding ecosystem. Treatment area shall be restored with regionally-historic native plant species.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.100 Noxious weed debris disposal and transportation.

All cut debris will be disposed of in such a way as to limit seed dispersal or new growth on uninfected properties. No person shall, without prior authorization, deposit cut noxious weed debris on public property or the private property of another person. Prior to transportation, cut debris shall be covered and contained in such a way to prevent seed and cutting dispersal.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.110 Duty to clean machinery before moving.

No person operating or having control of any machinery used to remove or cut plants identified in Sections 9.46.020--9.46.030, shall move the machinery over any public road or from one property to another without first thoroughly cleaning and inspecting the machinery following any noxious weed treatment operation, as to prevent the spread of seeds and cuttings to uninfected properties.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.120 Coordination with county, state and federal authorities.

Staff shall coordinate weed control activities in addressing regionally identified high priority weed species and ensure all weed control activities comply with county, state, and federal regulations and laws.
(Ord. 02-1135 § 3 (Exh. A)(part))

9.46.130 Violation--Penalty.

Any person violating any provision of this chapter or any rule or regulation adopted pursuant hereto, upon conviction, shall be punishable by a fine of not more than five hundred dollars ($500.00).
(Ord. 02-1135 § 3 (Exh. A)(part))

Chapter 9.48

CRIMINAL PROCEDURE

Sections:

9.48.010 Short title.
9.48.020 Filing complaint by private person as commencement of an action.
9.48.030 Complaint.
9.48.040 Security for costs.
9.48.050 Costs.
9.48.060 Issuance, requisites, execution, and return of warrant of arrest.
9.48.070 Citations to violators.
9.48.080 Reading complaint to defendant--Defendant to plead.
9.48.090 Defendant's plea--Refusal to plead.
9.48.100 Trial by court.
9.48.110 State statutes to govern.

9.48.010 Short title.

The ordinance codified in this chapter shall be known as the Sherwood offense procedure ordinance and may be cited as such.
(Ord. 98-1043 § 1)

9.48.020 Filing complaint by private person as commencement of an action.

In municipal court, action is commenced by the filing of the complaint therein, verified by the oath of the person commencing the action who is thereafter known as the complainant. A complaint may be filed by a private person, a police officer, code enforcement officer, or other city representative.
(Ord. 98-1043 § 2)

9.48.030 Complaint.

The complaint shall be deemed sufficient if it contains the name of the court, title of the action, statement of the offense charged, that the offense was committed on or about a designated date or during a designated time, a statement of the acts constituting the city offense in ordinary and concise language in such manner as to enable a person of common understanding to know what is intended and be signed by the private complainant, police officer, code enforcement officer, or other city representative bringing the charge.
(Ord. 98-1043 § 3)

9.48.040 Security for costs.

Before filing or receiving the complaint in an action, the municipal judge may require a private complainant to deposit as security for costs and disbursements the sum of fifty dollars ($50.00).
(Ord. 98-1043 § 4)

9.48.050 Costs.

The municipal court shall assess the sum of fifty dollars ($50.00) as and for costs in every case of finding of guilt by the court, in every case of a guilty plea, and in each instance of bail forfeiture on a charge of violation of a municipal ordinance; except that no costs shall be assessed in cases where the fine imposed is less than fifty dollars ($50.00).
(Ord. 98-1043 § 5)

9.48.060 Issuance, requisites, execution, and return of warrant of arrest.

A warrant of arrest in an action in a municipal court is issued, directed, and executed in all respects as the warrant mentioned in ORS 133.140, except that it shall be made returnable only before the judge who issues it.
(Ord. 98-1043 § 6)

9.48.070 Citations to violators.

A. City police officers may, if an arrest is made without a warrant, or if a person is arrested by a private citizen and is turned over to a peace officer, or if the municipal judge before whom a complaint is filed authorizes it, issue a citation in lieu of continuing custody in those cases in the form and manner authorized by Chapter 244 Oregon Laws of 1969. (ORS 133.045 through 133.110 and ORS 156.050).

B. If any person wilfully fails to appear before the municipal court of the city pursuant to a citation issued and served under the authority of Chapter 244, Oregon Laws of 1969, and subsection A of this section, and a complaint is filed, he or she shall be deemed guilty of a violation of this chapter and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00).
(Ord. 98-1043 § 7)

9.48.080 Reading complaint to defendant--Defendant to plead.

When the defendant appears, or is brought, before the municipal judge, the complaint shall be read to the defendant; and the defendant shall plead thereto at that time, or within such additional time as the municipal judge may grant for entry of plea.
(Ord. 98-1043 § 8)

9.48.090 Defendant's plea--Refusal to plead.

The defendant may plead the same pleas as upon an indictment. His or her plea shall be oral and entered in the docket. If the defendant refuses to plead, the municipal judge shall enter the fact, together with the plea of not guilty on his or her behalf.
(Ord. 98-1043 § 9)

9.48.100 Trial by court.

Upon a plea other than a plea of guilty, the municipal judge shall proceed to try the issue at a date scheduled for trial by the court, unless continued for cause.
(Ord. 98-1043 § 10)

9.48.110 State statutes to govern.

When not governed by this chapter, or by the city charter, all proceedings prior to judgment, with respect to actions in municipal court for the violation of the city ordinance, shall be governed by applicable general rules of the state governing justice of the peace and justice courts.

(Ord. 98-1043 § 11)

Chapter 9.50

POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

Sections:

9.50.010 Definitions.
9.50.015 Factors to be considered.
9.50.020 Offenses and penalties.
9.50.025 Nuisance.
9.50.030 Severability.

9.50.010 Definitions.

As used in this chapter:

"Controlled substance" means a drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act (21 U.S.C. §§ 811--812) as the same may be modified consistent with ORS 475.035.

"Deliver" or "delivery" means the actual, constructive or attempted transfer (other than by administering or dispensing) from one person to another of a controlled substance, regardless of whether there is an agency relationship.

"Drug paraphernalia" means all equipment, products and materials of any kind used or intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act of Oregon (ORS 475.005 to 475.285 and 475.991 to 475.995). Although not an exclusive list, included within the phrase "drug paraphernalia" as used in this chapter, are the following:

1. Kits used, or intended or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

3. Isomerization devices used, intended or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances used, intended or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

7. Separation gins and sifters used, or intended or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, or intended or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, or intended or designed for use in packaging small quantities or controlled substances;

10. Containers and other objects used, intended or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use in storing or concealing controlled substances;

12. Objects used, or intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

    a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

    b. Water pipes;

    c. Carburetion tubes and devices;

    d. Smoking and carburetion masks;

    e. Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

    f. Chamber pipes;

    g. Carburetor pipes;

    h. Electric pipes;

    i. Air-driven pipes;

    j. Chillums;

    k. Bongs; and

l. Ice pipes or chillers.

"Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
(Ord. 03-1154 § 1 (part))

9.50.015 Factors to be considered.

In determining whether an object may be drug paraphernalia, the municipal court, other judicial entity or person should consider (in addition to other logically relevant factors) the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;

C. The proximity of the object to controlled substances;

D. The existence of any residue of controlled substances on the object;

E. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of federal or state law relating to controlled substances;

F. Instructions, oral or written, provided with the object concerning its use;

G. Descriptive materials accompanying the object which explain or depict its use;

H. National and local advertising concerning its use;

I. The manner in which the object is displayed for sale;

J. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

K. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

L. The existence and scope of legitimate uses for the object in the community; and M. Expert testimony concerning its use.
(Ord. 03-1154 § 1 (part))

9.50.020 Offenses and penalties.

A. Possession of Drug Paraphernalia. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

B. Manufacture or Delivery of Drug Paraphernalia. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

C. Violation of subsection A or B of this section shall be a class A violation with a fine of the statutory maximum provided under ORS 153.018. Citations shall be issued and court procedures followed consistent with ORS 153.030 to 153.121.
(Ord. 03-1154 § 1 (part))

9.50.025 Nuisance.

A. Drug paraphernalia are declared to be public nuisances and any peace officer may seize any such paraphernalia and it shall be held subject to the order of municipal court as to its disposition.

B. Whenever it appears to the court that drug paraphernalia has been possessed in violation of the ordinance codified in this chapter, the court may order the chief of police to destroy the paraphernalia.
(Ord. 03-1154 § 1 (part))

9.50.030 Severability.

If any provision of the ordinance codified in this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.
(Ord. 03-1154 § 1 (part))

Chapter 9.52

PROHIBITING OF NOISE

Sections:

9.52.010 Purpose.
9.52.020 Definitions.
9.52.030 Noise disturbance prohibited.
9.52.040 Permissible sound levels.
9.52.050 Exemptions.
9.52.060 Enforcement responsibility and authority.
9.52.070 Variances.
9.52.080 Variance application.
9.52.090 Public notification for Class B or C variance.

9.52.100 Variance review.
9.52.110 Variance decision.
9.52.120 Review.
9.52.130 Penalties.
9.52.140 Emergency.

9.52.010 Purpose.

It is hereby found and declared that:

A. The making and creation of excessive, unnecessary or unusually loud noises within the limits of the city of Sherwood is a condition which has existed for some time and the extent in volume of such noises is increasing;

B. The making, creation, or maintenance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect, and are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the city of Sherwood; and

C. The necessity in the public interest for provisions and prohibitions hereinafter contained in this chapter, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the city of Sherwood and its inhabitants.

(Ord. 01-116 § 1)

9.52.020 Definitions.

As used in this chapter:

"Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers and garden equipment.

"Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Motor vehicle" means any land vehicle, which is designed to be self-propelled.

"Noise sensitive" means any use of a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, dwelling unit (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Plainly audible" means unambiguously communicated to the listener. Plainly audible sounds include, but are not limited to understandable musical rhythms, understandable spoken words, and vocal sounds other than speech, which are distinguishable as raised or normal.
(Ord. 01-1116 § 2)

9.52.030 Noise disturbance prohibited.

A. Generally. In addition to the specific prohibitions in subsection B of this section and Section 9.52.040, it is unlawful for any person to knowingly create, assist in creating, permit, continue, or permit the continuance of any noise disturbance.

A noise disturbance is any sound, including sound produced by animals, which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.

B. Specific Prohibitions. Unless exempted by Section 9.52.050, the following acts are declared to be noise disturbances within the meaning of subsection A of this section provided, however, that this enumeration shall not be deemed to be exclusive:

1. Dynamic braking devices (Jake Brakes). Using any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property. A dynamic braking device is one used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without using the wheel brakes.

2. Idling engines on motor vehicles. Operating for more than fifteen (15) consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.

3. Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.

4. Lawn mowing equipment. Operating lawn-mowing equipment (to include powered landscaping tools/equipment) with a combustion engine between 10:00 p.m. and 7:00 a.m.
(Ord. 01-1116 § 3)

9.52.040 Permissible sound levels.

A. Except as specifically provided elsewhere in this chapter, "day" hours are between 7:00 a.m. and 10:00 p.m. Monday through Friday; and 8:00 a.m.. to 7:00 p.m. Saturday and Sunday.

B. Except as otherwise provided elsewhere in this chapter, "night" hours are between 10:00 p.m. and 7:00 a.m. Monday through Friday, and 7:00 p.m. and 8:00 a.m. Saturday and Sunday.

1. Sound producing, amplifying, or reproducing equipment. During day and night hours, no person shall cause or permit sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source.

2. Domestic power equipment. The day period does not apply to sounds produced by domestic power equipment.

3. During night hours, no person shall operate domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

4. Commercial construction. The day period does not apply to any sounds produced in commercial construction activity.

5. Off-highway vehicles. No person shall operate any self-propelling motor vehicle, designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, mini-bikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level is plainly audible within any dwelling unit outside the boundary of the noise-producing property during day or night hours.

6. Auxiliary equipment on motor vehicles. No person shall cause, allow, permit, or fail to control the operation of any auxiliary equipment on a motor vehicle or trailer for more than thirty (30) minutes when the sound level produced by such equipment is plainly audible within any dwelling unit outside the boundary of the noise-producing property during night hours. Auxiliary equipment means a mechanical device that is built in or attached to a motor vehicle or trailer, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

(Ord. 01-1116 § 4)

9.52.050 Exemptions.

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

A. Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

B. Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that intrusion or fire alarms shall not sound continuously for more than fifteen (15) minutes. Sounds made by the Tualatin Valley fire and rescue district sirens during use and testing.

C. Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.

D. Sounds made by activities by or on direction of the city of Sherwood in maintenance construction, or repair of public improvements in public rights-of-way or easements.

E. Sounds produced pursuant to a specific variance granted by the Oregon environmental quality commission, or under Section 9.52.070 of this chapter.

F. Sounds produced by the audience, participants and sound amplifying equipment at athletic events on public property and sponsored or sanctioned or otherwise approved by the city or the Sherwood school district.

G. Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, but this exemption does not apply to violation of Section 9.52.030 B 2 of this chapter.
(Ord. 01-1116 § 5)

9.52.060 Enforcement responsibility and authority.

A. The Sherwood police department and the city manager's designee shall jointly enforce this chapter.

B. Enforcement of this chapter may include seizure of the sound producing equipment.
(Ord. 01-1116 § 6)

9.52.070 Variances.

A. Generally. Any person who owns, controls, or operates any sound source which does not comply with a provision of this chapter may apply for:

1. A Class A variance for an event that does not exceed seventy-two (72) hours in duration; or

2. A Class B variance for an event or activity or series of related events, or activities that are seventy-two (72) hours or more in duration.

B. The city manager or the city manager's designee may file application for a Class C variance for a community event or activity of any duration that does not comply with a provision of this chapter.
(Ord. 01-1116 § 7)

9.52.080 Variance application.

A. An applicant for a variance shall submit in writing:

1. A reference to the provision from which the variance is sought;

2. The reason or reasons why the variance is necessary;

3. The physical characteristics of the involved sound;

4. The times when the involved sound will be emitted and the anticipated duration of the sound;

5. Where the sound will not be generated by a mobile source which moves beyond the boundaries of one block, a site plan sketch which shows the area of sound generation and designates whether the uses in the area within four hundred (400) feet of the source of the involved sound are commercial, industrial, or noise sensitive as defined in Section 9.52.020, or a combination

thereof;

6. Any other supporting information which the city manager or council may reasonably require to allow consideration of the conditions set forth in Section 9.52.100.

B. The applicant for a Class A variance shall submit the application to the city manager's designee. The applicant for a Class B or Class C variance shall submit the application to the city recorder, who shall place the matter on the agenda for the forthcoming council meeting.
(Ord. 01-1116 § 8)

9.52.090 Public notification for Class B or C variance.

The applicant for a Class B variance or the city for a Class C variance shall post notice along the nearest public road at the boundaries of the property containing the sound source so that the notice is visible from the public road, and publish notice in a newspaper of general circulation in the city. Notice shall be posted on the property at least seven days before the public hearing, and notice shall be published at least four days before the public hearing. Notice under this section shall state the date the council will consider the application, the nature and substance of the variance to be considered, and that recipients of the notification may file written comments on the application with the city recorder before the council meeting at which the application will be considered.
(Ord. 01-1116 § 9)

9.52.100 Variance review.

The city manager or the city manager's designee or council may grant a variance, after considering the written application for variance and any written comments submitted by persons specified in Section 9.52.090, when it appears that the following conditions exist:

A. There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance, and;

B. That granting the application will not be unreasonably detrimental to the public welfare.
(Ord. 01-1116 § 10)

9.52.110 Variance decision.

A. The city manager or the city manager's designee shall grant or deny a Class A variance within three days of receipt of a complete variance application, excluding Saturdays, Sundays, and holidays.

B. The council shall grant or deny a Class B or Class C variance within thirty (30) days of receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.

C. The city manager or council may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of the chapter will be observed, and the public safety and welfare secured. A violation of any such condition or limitation shall constitute a violation of this chapter.

D. A decision to grant or deny the variance shall be in writing and shall state the reasons for such decision. The council or city manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.
(Ord. 01-1116 § 11)

9.52.120 Review.

The decision of the council to grant or deny a variance is final. The city manager shall file his or her written decision with the city recorder, who shall place the matter on the agenda for the forthcoming council meeting. The decision of the city manager is final on the date of that council meeting, unless the council, on its own motion, decides to reverse or modify the decision of the city manager or to schedule a public hearing on the application. If a public hearing is held, the council shall grant or deny the variance within thirty (30) days after the hearing, and may impose conditions on the granting of the variances as set forth in Section 9.52.110.
(Ord. 01-1116 § 12)

9.52.130 Penalties.

Violation of any provision of this chapter constitutes a Class C violation (City of Sherwood Municipal Code 9.12.030) for the first offense. Subsequent violations of this chapter constitute a Class B violation (City of Sherwood Municipal Code 9.12.030).
(Ord. 01-1116 § 13)

Chapter 9.56

PROHIBITS USE OF TOBACCO PRODUCTS ON CITY PROPERTY

Sections:
9.56.010 Definitions.
9.56.020 Tobacco use prohibited.
9.56.030 Violation.
9.56.040 Severability.

9.56.010 Definitions.

The following definitions apply to this chapter:

"Smoking" means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant or other tobacco or tobacco-like product or substance in any manner or any form.

"Tobacco product" means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may utilized for smoking, chewing, inhalation, or any other means of ingestion.

"Tobacco use" means smoking, chewing or other ingestion of any tobacco product.
(Ord. 01-1117 § 1)

9.56.020 Tobacco use prohibited.

Tobacco use is prohibited on any city-owned, controlled or managed property, with the exclusion of public right-of-way, including, but not limited to city-owned buildings, parks, vehicles and other real and personal property.
(Ord. 01-1117 § 2)

9.56.030 Violation.

Violation of this chapter in an infraction punishable by fine of not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars.
(Ord. 01-1117 § 3)

9.56.040 Severability.

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

Chapter 9.60

INVENTORY PROCEDURES

Sections:
9.60.010 Purpose.
9.60.020 Definitions.
9.60.030 Inventories of impounded vehicles.
9.60.040 Inventories of persons in police custody.

9.60.010 Purpose.

This chapter sets out the process for conducting an inventory of personal property found in a lawfully impounded vehicle as well as to the personal property in the possession of a person in police custody. It is 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 any other purpose.
(Ord. 07-005 § 1 (part))

9.60.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

"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:

1. The imposition of restraint as a result of an arrest as that term is defined at ORS 133.005(1); or

2. The imposition of actual or constructive restraint by a police officer pursuant to a court order; or

3. The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; or

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 Oregon law.

"Police officer" means any officer of the Sherwood police department.

"Valuable" means:

1. Cash money of an aggregate amount of fifty dollars ($50.00) or more; or

2. Individual items of personal property with a value of over five hundred dollars ($500.00). (Ord. 07-005 § 1 (part))

9.60.030 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 a 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 such investigation is completed.

B. The inventory of an impounded vehicle is conducted to:

1. Promptly identify personal property to establish accountability and avoid spurious claims as to that property;

2. Assist in the prevention of theft of property;

3. Locate toxic, flammable or explosive substances; and

4. Reduce the danger to persons and property.

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

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:

    a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and

    b. Any locked compartments including (but not limited to) locked vehicle trunks, locked hatchbacks and locked car-top containers if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

3. Unless otherwise provided in this Chapter 10.30, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes.

4. Upon completion of the inventory, the police officer will complete a report as directed by the chief of police.

5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such a manner as directed by the chief of police.

(Ord. 07-005 § 1 (part))

9.60.040 Inventories of persons in police custody.

A. A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:

1. Such person will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or

2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statutes.

B. The purpose of the inventory of a person in police custody will be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property; or

2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or

3. Assist in the prevention of theft of property; or

4. Locate toxic, flammable or explosive substances; or

5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or

6. Reduce the danger to persons and property.

C. Inventories of the personal property in the possession of such persons will be conducted according to the following procedure:

1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.

2. To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of such personal property from all open containers in the possession of such person.

3. A closed container in the possession of such person will have its contents inventoried only when:

   a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room; or

   b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

   c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.

D. Valuables found during the inventory process will be noted by the police officer in a report as directed by the chief of police.

E. All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:

1. A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody

when such person is released to the facility or agency accepting custody of such person; or

2. The property will be dealt with in such manner as directed by the chief of police.

F. All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in subsection E of this section, will be released to the facility or agency accepting custody of the person so that they may:

1. Hold the property for safekeeping on behalf of the person in custody; and

2. Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

(Ord. 07-005 § 1 (part))

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 State Vehicle Code Statutes

10.08 Parking

10.12 Miscellaneous Traffic Regulations

Chapter 10.04

STATE VEHICLE CODE STATUTES

Sections:
10.04.010 Adopted.

10.04.010 Adopted.

By virtue of the authority contained in Section 221.330, Oregon Revised Statutes, all those sections of Chapters 801 through 823, Oregon Revised Statutes, be, and each and all thereof are adopted by this reference, section by section, word by word, in their entirety, in all respects to the same legal force and effect as if set forth in full, and shall be the Motor Vehicle Code of the city of Sherwood. Oregon Revised Statutes, Chapter 153, Sections 153.500 through 153.635, likewise be, and they are adopted in the entirety as the procedure to be followed by the city of Sherwood Municipal Court with respect to traffic infractions.
(Ord. 98-1042 § 8: Ord. 86-837 § 2)

Chapter 10.08

PARKING*

Sections:
10.08.010 Definitions.
10.08.020 Prohibited practices.
10.08.030 Parking restrictions on certain types of vehicles.
10.08.040 Vehicles to be removed from fire scenes.
10.08.050 Method of parking.
10.08.060 Prohibited parking or standing.
10.08.070 Parking prohibited on certain streets.
10.08.080 Disabled persons parking.
10.08.090 Repeat violation procedures.
* Prior ordinance history: Ords. 599, 629, 667, 703, 712, 86-837, 86-841, 86-852, 98-1042 and 00-1086.

10.08.010 Definitions.

As used in this chapter:

"Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use.

"Bus trailer" means any trailer designed or used for carrying human beings.

"Camper" means a structure that:

1. Has a floor;

2. Is designed to be mounted upon a motor vehicle;

3. Is not permanently attached to a motor vehicle upon which it is mounted;

4. Is designed to provide facilities for human habitation or for camping;

5. Is six feet or more in overall length;

6. Is five and one-half feet or more in height from floor to ceiling at any point; and

7. Has no more than one axle designed to support a portion of the weight of the camper.

"Commercial bus trailer" means a bus trailer:

1. That is designed or used for carrying passengers and their personal baggage for compensation.

2. Other than a vehicle commonly known and used as a private passenger vehicle not operated for compensation except in the transportation of students to or from school.

"Farm trailer" means a vehicle that:

1. Is without motive power;

2. Is a vehicle other than an implement of husbandry;

3. Is designed to carry property; and

4. Is drawn by a farm tractor.

"Highway" means every public way, road, street, throughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

"Manufactured structure" means:

1. A manufactured dwelling that is more than eight and one-half feet wide;

2. A prefabricated structure that is more than eight and one-half feet wide; and

3. A recreational vehicle that is more than eight and one-half feet wide.

4. "Manufactured structure" does not include any special use trailer.

"Motor home" means a motor vehicle that:

1. Is reconstructed, permanently altered or originally designed to provide facilities for human habitation; or

2. Has a structure permanently attached to it that would be a camper if the structure was not permanently attached to the motor vehicle.

"Motor truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers.

"Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers, or in obedience to traffic regulations or traffic signs or signals.

"Pole trailer" means a trailer attached or secured to the towing vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use.

"Self-supporting trailer" means a trailer, other than a pole trailer, designed so that no part of the weight of the trailer or the weight of any load on the trailer rests upon the towing vehicle. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a self-supporting trailer from fitting into another category of trailer based on use.

"Semitrailer" means a trailer designed so that part of the weight of the trailer and part of the weight of any load on the trailer rests upon or is carried by another vehicle and coupled to another vehicle by a fifth wheel hitch. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a semitrailer from fitting into another category of trailer based on use.

"Special use trailer" means a trailer described under any of the following:

1. A trailer that is eight and one-half feet or less in width and of any length and that is used for commercial or business purposes.

2. A trailer that is used temporarily on a construction site for office purposes only.

3. "Special use trailer" does not include any travel trailer.

"Trailer" means every vehicle without motive power designed to be drawn by another vehicle. Trailer includes, but is not limited to, the following types of trailers:

1. Balance trailers;

2. Bus trailers;

3. Commercial bus trailers;

4. Farm trailers;

5. Pole trailers;

6. Semitrailers;

7. Travel trailers;

8. Truck trailers;

9. Self-supporting trailers;

10. Special use trailers.

"Travel trailer" means:

1. A manufactured dwelling that is eight and one-half feet or less in width and is not being used for commercial or business purposes;

2. A recreational vehicle without motive power that is eight and one-half feet or less in width and is not being used for commercial or business purposes; and

3. A prefabricated structure that is eight and one-half feet or less in width and that is not being used for commercial or business purposes.

"Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.

"Truck trailer" means any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer or self-supporting trailer.
(Ord. 04-004 § 1 (Exh. A)(part))

10.08.020 Prohibited practices.

A. No person shall park a vehicle on the right-of-way of any highway, or upon any public street or public way within the corporate limits of the city for any of the following purposes:

1. Advertising, selling, or offering merchandise for sale;

2. Displaying such vehicle for sale;

3. Washing, greasing, or repairing such vehicle, except as may be necessitated by emergency;

4. Displaying advertising upon such vehicle;

5. Storage, junk or dead storage for any period of more than forty-eight (48) hours, except that this subsection shall be subject to the limits elsewhere prescribed in the motor vehicle code of the city, or as may be prescribed by the Oregon State Motor Vehicle Code.

B. Parking Time Limit. It is unlawful for any person to park or stop any vehicle for a longer period of time than that designated by official signs, parking meters, or other markings placed by or under authority of the city of Sherwood. Such parking time limit shall include the aggregate of time of all stopping or standing of the same vehicle on the same side of the street within a space of three hundred (300) lineal feet measured along the curb line and between intersections; and the parking, standing or stopping of any vehicle within such expanse shall not exceed the designated time limit during any three-hour period.
(Ord. 04-004 § 1 (Exh. A)(part))

10.08.030 Parking restrictions on certain types of vehicles.

No person shall, at any time, park or leave standing a motor truck, truck tractor, truck trailer, semi-trailer, bus trailer, commercial bus, commercial bus trailer, trailer as defined in this chapter, whether attended or unattended, on any improved public highway, public street, or other public way within the corporate limits of the city for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and six a.m. Motor homes, travel trailers connected to a motor vehicle and campers mounted on a motor vehicle may be parked on the street for up to two consecutive days (forty-eight (48) hours) if the public street or public way meets the criteria listed below:

A. Roadways less than thirty-two (32) feet in width posted no parking on one side -- recreational parking is allowed on the non posted side. Parked motor homes, travel trailers and campers shall not block adjacent properties' driveway ingress/egress.

B. Roadways over thirty-two (32) feet in width with parking allowed on either side -- RV's must stagger their parking so no two motor homes, travel trailers or campers are parked directly across the street from one another.

The parking of motor homes, travel trailers or campers is prohibited on roadways less than thirty-two (32) feet in width with parking allowed on both sides and prohibited outright on roadways less than twenty-eight (28) feet in width.
(Ord. 04-004 § 1 (Exh. A)(part))

10.08.040 Vehicles to be removed from fire scenes.

Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of, or close to a building to which the fire department has been summoned, he or she shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.
(Ord. 04-004 § 1 (Exh. A)(part))

10.08.050 Method of parking.

A. No person having control or charge of a motor vehicle shall allow it to stand on any street unattended without first fully setting its parking brakes, stopping its motor, and removing the ignition key; and, when standing upon an precipitous grade, the front wheels of the vehicle shall be angled into the curb.

B. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking.

C. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space.
(Ord. 04-004 § 1 (Exh. A)(part))

10.08.060 Prohibited parking or standing.

No person shall park or leave standing a motor vehicle of any kind or character, whether motorized or not, as follows:

A. Within ten feet of a fire hydrant;

B. Within any portion of a crosswalk;

C. Within any area marked as a loading zone other than for the purpose of loading or unloading cargo.
(Ord. 04-004 § 1 (Exh. A)(part))

10.08.070 Parking prohibited on certain streets.

No person shall park a motor vehicle of any kind, whether motorized or not, on the following designated portions of the following public streets, except as may be necessitated by an emergency:

A. At any time:

1. On the southeasterly side of 1st Street from the intersection of 1st Street with Park Street to the intersection of 1st Street with Main Street.

2. On North Sherwood Blvd. from the intersection of North Sherwood Blvd. with 3rd Street through the intersection of North Sherwood Blvd. with Southwest Pacific Highway

(Highway 99W).

3. On the southwesterly side of Gleneagle Drive from the intersection of Gleneagle Drive with Southwest Pacific Highway to the intersection of Gleneagle Drive with North Sherwood Boulevard.

4. On the northeast side of Northwest Park Street from the intersection of Northwest Park Street with Southwest 1st street to the intersection of Northwest Park Street and Railroad Street.

5. On the east side of Roy Street from the intersection of Roy Street and Oregon Street to the intersection of Roy Street and G. & T. Drive.

6. On Meinecke Road between the Cedar Creek Bridge and the intersection of Meinecke Road and Lee Drive.

7. On the northwest side of Highway 99 West from the point of its intersection with the southeast corner of tax lot 1400, assessor's tax map #2S130D, said lot being more particularly described in instrument recorded in Washington County Deed Records in Book 7800 at page 5379, thence southwest a distance of 305.68 to the southwest corner of said parcel and tax lot.

8. On the Southerly side of Willamette Street from its intersection with Washington Street to approximately two hundred sixty (260) feet easterly of its intersection with Lincoln Street.

9. On the Northerly side of Willamette Street from its intersection with Highland Drive to approximately two hundred twenty (220) feet Westerly of Lincoln Street.

10. On the northeasterly side of Northwest Park Street from Railroad Street to Northwest 2nd Street.

11. On the northeasterly side of Northwest Main Street from Railroad Street to Northwest 3rd Street.

12. On the northeasterly side of North Pine Street from Railroad Street to Northeast Oregon Street and from the alleyway between Northeast 2nd Street and Northeast 3rd Street to Northeast 3rd Street.

13. On the northeasterly side of Northeast Oak St. from Northeast Oregon St. to the end of the curb approximately one hundred fifty (150) feet north of Northeast 2nd Street.

14. On the northwesterly side of Northeast Ash Street from Northeast Oregon Street to the end of the curb at approximately one hundred fifty (150) feet northerly of Northeast 1st Street.

15. On Northeast Oregon Street from North Pine Street to the railroad crossing.

16. On the northwesterly side of Northeast 1st Street from Northwest Park Street to Northwest Main Street and the northwesterly side of Northeast 1st Street from North Pine Street to approximately one hundred (100) feet easterly of Northeast Ash Street.

17. On the southeasterly side of Northwest 2nd Street from Northwest Park Street to North Pine Street.

18. On the southeasterly side of Northeast 2nd Street from North Pine Street to Northeast Oak Street and on the northwesterly side of Northeast 2nd Street from Northeast Oak Street to the end of the curb at approximately one hundred fifty (150) feet easterly of Northeast Oak Street.

19. On the northwesterly side of Northwest 3rd Street from Northwest Main Street to North Pine Street.

20. No parking shall be allowed on the southeasterly side of Northeast 3rd Street from North Pine Street to fifty (50) feet easterly of Pine Street and on the northwesterly side of Northeast 3rd Street.

B. Between the hours of eight a.m. and four p.m., on Monday through Saturday, in excess of two hours continuously in any one location on any city street outside of a residential district, as defined by subsection 1 of ORS 801.430.

(Ord. 04-004 § 1 (Exh. A)(part))

10.08.080 Disabled persons parking.

The city manager is directed to establish by proper signing and designation, reserved street parking space or spaces, as needed for disabled persons, which parking shall be subject to the rules and regulations of the Oregon Revised Statutes for disabled persons parking.

(Ord. 04-004 § 1 (Exh. A)(part))

10.08.090 Repeat violation procedures.

Any violation of the provisions of this chapter shall be subject to the remedies listed below:

A. First violation -- Request to move vehicle posted on the vehicle itself. If vehicle is not relocated within a twenty-four- (24) hour period a second violation action will be taken.

B. Second violation -- Vehicle is ticketed and there is a seventy-two- (72) hour notice to tow. Ticket is for a fine of no less than fifty dollars ($50.00) or no greater than two hundred fifty dollars ($250.00) (Class C Violation). Notice to tow shall be provided as for abandoned, discarded, and hazardously located vehicles pursuant to Sherwood Municipal Code Section 8.04.070. If the vehicle is not relocated within the seventy-two- (72) hour period a third violation action will be taken.

C. Third violation -- Vehicle is ticketed and towed same day. Ticket is for a fine of no less than two hundred dollars ($200.00) or no greater than five hundred dollars ($500.00) (Class B Violation). Notice after removal shall be provided as for abandoned, discarded, and hazardously located vehicles pursuant to Sherwood Municipal Code Section 8.04.070. Notice shall be provided that the vehicle is subject to ticket as a Class A violation and immediate towing if subsequently parked in the same area within three hundred (300) lineal feet along the curb in either direction.

D. Fourth and subsequent violations -- For the same vehicle parked in the same area within a three hundred (300) lineal feet measured along the curb in either direction, those vehicles will be ticketed and are subject to immediate towing. Ticket for fourth and subsequent violations is for a fine of no less than five hundred dollars ($500.00) or no greater than one thousand dollars ($1,000.00) (Class A Violation). Notice after removal shall be provided as for abandoned, discarded, and hazardously located vehicles pursuant to Sherwood Municipal Code Section 8.04.070.

(Ord. 04-004 § 1 (Exh. A)(part))

Chapter 10.12

MISCELLANEOUS TRAFFIC REGULATIONS

Sections:

10.12.010 Powers of the city council.
10.12.020 Authority of police and fire officers.
10.12.030 Stop when traffic obstructed.
10.12.040 Unlawful marking.
10.12.050 Use of sidewalks.
10.12.060 Permits required for parades.
10.12.070 Funeral procession.
10.12.080 Drivers in procession.
10.12.090 Driving through procession.
10.12.100 Emerging from vehicle.
10.12.110 Boarding or alighting from vehicles.
10.12.120 Riding on motorcycles.
10.12.130 Unlawful riding.
10.12.140 Clinging to vehicles.
10.12.150 Crossing private property.
10.12.160 Driving in parks.
10.12.170 Sleds, skis, toboggans and skateboards on streets.
10.12.180 Damaging sidewalks and curbs.
10.12.190 Obstructing streets.
10.12.200 Removing glass and debris.
10.12.210 Illegal cancellation of traffic citations.
10.12.220 Existing traffic signs.
10.12.230 Bridle paths--Penalty.
10.12.240 Violation--Penalty.

10.12.010 Powers of the city council.

The council, provided that where required by the Motor Vehicle Laws of Oregon approval of the State Highway Commission has first been obtained, may by resolution establish traffic controls which shall become effective upon the installation of appropriate signs, signals or other markings. Such traffic controls may

designate and regulate.

The city manager is delegated authority to direct the installation of necessary traffic control devices, as described in this chapter, on an emergency basis to protect the safety and health of the citizens.

A. The parking and standing of vehicles by:

1. Classifying portions of streets upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours,

2. Establishing the time limit for legal parking in limited parking areas,

3. Designating the angle of parking if other than parallel to the curb,

4. Designating areas within which, or streets or portions of streets along which, parking meters will be installed, and the denomination of coins to be used or deposited in parking meters;

B. Through streets and one-way streets;

C. For trucks exceeding specified weights, streets to which they shall be restricted and streets on which they are prohibited;

D. Traffic control signals and the time of their operation;

E. Bus stops, bus stands, taxicab stands, and stands for other passenger common carrier vehicles;

F. Loading zones;

G. Turn regulations at intersections;

H. Marked pedestrian crosswalks and safety zones;

I. Special speed regulations in city parks.

(Ord. 06-015 § 1; Ord. 599 § IX(1), 1970)

10.12.020 Authority of police and fire officers.

A. It shall be the duty of the police department, through its officers, to enforce the provisions of this chapter.

B. In the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

C. Members of the fire department, when at the scene of a fire, may direct, or assist the police in

directing traffic thereat, or in the immediate vicinity.
(Ord. 599 § IX(2), 1970)

10.12.030 Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.
(Ord. 599 § IX(3), 1970)

10.12.040 Unlawful marking.

Except as provided by this chapter, it shall be unlawful for any person to letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb, or other portion of any street, or to post anything designed or intended to prohibit or restrict parking on any street.
(Ord. 599 § IX(4), 1970)

10.12.050 Use of sidewalks.

Pedestrians shall not use any roadway for travel when abutting sidewalks are available.
(Ord. 599 § IX(5), 1970)

10.12.060 Permits required for parades.

No procession or parade, except a funeral procession, the forces of the United States Armed Forces, and the military forces of this state shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police. Such permit may be granted where it is found that such parade is not to be held for any unlawful purpose and will not, in any manner, tend to a breach of the peace, cause damage, or unreasonably interfere with the public use to the streets or the peace and quiet of the inhabitants of this city.
(Ord. 98-1042 § 7: Ord. 599 § IX(6), 1970)

10.12.070 Funeral procession.

Vehicles in a funeral procession shall be escorted by at least one person authorized by the chief of police to direct traffic for such purpose, and shall follow routes established by the chief of police.
(Ord. 599 § IX(7), 1970)

10.12.080 Drivers in procession.

Except when approaching a left turn, each driver in a funeral or other procession shall drive along the right-hand traffic lane, and shall follow the vehicle ahead as closely as is practical and safe.
(Ord. 599 § IX(8), 1970)

10.12.090 Driving through procession.

No driver of a vehicle shall cross through a procession except where traffic is controlled by traffic control signals, or when so directed by a police officer. This provision shall not apply to authorized emergency vehicles.
(Ord. 599 § IX(9), 1970)

10.12.100 Emerging from vehicle.

No person shall open the door of, or enter or emerge from any vehicle into the path of any approaching vehicle.
(Ord. 599 § IX(10), 1970)

10.12.110 Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.
(Ord. 599 § IX(11), 1970)

10.12.120 Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto; and such operator shall not carry any other person, nor shall any other person ride on a motorcycle unless such motorcycle is equipped to carry more than one person.
(Ord. 599 § IX(12), 1970)

10.12.130 Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise.
(Ord. 599 § IX(13), 1970)

10.12.140 Clinging to vehicles.

A. No person riding upon any bicycle, motorcycle, coaster, roller skates, sled, or any toy vehicle shall attach the same or himself or herself to any moving vehicle upon the streets.

B. No person driving any vehicle shall permit any of the articles listed in subsection A of this section to be attached to the vehicle for the purpose of pulling along the streets.
(Ord. 599 § IX(14), 1970)

10.12.150 Crossing private property.

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring goods or services.
(Ord. 87-858 § 1 (part): Ord. 599 § IX(15), 1970)

10.12.160 Driving in parks.

No person in a park shall drive any vehicle on any area except on park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the city manager.
(Ord. 87-858 § 1 (part): Ord. 599 § IX(16), 1970)

10.12.170 Sleds, skis, toboggans and skateboards on streets.

No person shall use the streets for travelling on skis, toboggans, sleds, skate boards, roller skates, or similar devices, except where authorized.
(Ord. 87-858 § 1 (part): Ord. 599 § IX(17), 1970)

10.12.180 Damaging sidewalks and curbs.

A. The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway.

B. A temporary driveway may be used only after first obtaining a written permit therefor from the city superintendent, who may impose such requirements as are necessary to protect the public improvements within the street at the temporary driveway.

C. Any person who damages or causes to be damaged any public improvement within the street by driving a vehicle upon or within any sidewalk or parkway area shall be liable for such damage regardless of whether or not the damage resulted from the authorized use of a temporary driveway.
(Ord. 599 § IX(19), 1970)

10.12.190 Obstructing streets.

Except as provided by this chapter or any other ordinance of the city, no person shall place, park, deposit, or leave upon any street or other public way, sidewalk, or curb any article or thing or material which in any way prevents, interrupts, or obstructs the free passage of pedestrian or vehicular traffic, or obstructs a driver's view of traffic control signs, and signals.
(Ord. 599 § IX(20), 1970)

10.12.200 Removing glass and debris.

Any party to a collision or other vehicular accident, or any other person causing glass or other material or substance likely to injure any person, animal, or vehicle to be upon any street in this city, shall, as soon as possible, remove or cause to be removed from such street all such glass or other material or substance.
(Ord. 599 § IX(21), 1970)

10.12.210 Illegal cancellation of traffic citations.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the municipal judge.
(Ord. 599 § IX(22), 1970)

10.12.220 Existing traffic signs.

Except as the council may, by resolution or ordinance, change the traffic control regulations in accordance with the provisions of this chapter, all official traffic signs, signals, and markers existing at the time of adoption of this ordinance shall be considered official under the provisions of the ordinance codified in this chapter shall be considered official under the provisions of this chapter.
(Ord. 599 § IX(24), 1970)

10.12.230 Bridle paths--Penalty.

A. No person shall ride, drive or lead one or more horses, mules, donkeys, or cattle upon any public sidewalk, bicycle path or pedestrian footpath within the city, unless the city council shall have by resolution first designated the sidewalk, bicycle path, or pedestrian footpath as also being a bridle path.

B. Any violation of the provisions of this section shall, upon conviction, be punishable by a fine of not more than two hundred fifty dollars ($250.00).
(Ord. 764 §§ 1, 2, 1982)

10.12.240 Violation--Penalty.

Any violation of the provisions of any section of this chapter, or of any rule or regulation thereof, shall, upon conviction, be punishable by a fine of not more than five hundred dollars ($500.00).
(Ord. 98-1042 § 6: Ord. 599 § 25, 1970)

Title 11

(Reserved)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.02 Right-of-Way Permits

12.04 Street Construction Specifications

12.08 Sidewalks Construction and Repair

12.12 Parks and Other Public Areas

12.16 Utility Facilities in Public Right-of-Way

Chapter 12.02

RIGHT-OF-WAY PERMITS

Sections:

12.02.005 Purpose.
12.02.010 Applicability.
12.02.015 Permit required.
12.02.020 Authority delegated to the city engineer.
12.02.025 Requirement to provide bonds and fees.
12.02.030 Exemptions from bonds and fees.
12.02.035 Public utility exemption from posting of bonds.

12.02.005 Purpose.

The provisions of this chapter are intended to protect public health and safety and to insure the integrity of existing streets and other public right-of-way (ROW).

The city has established standards to insure the quality and longevity of existing streets and other items in the public ROW. This chapter is established to protect the public investment in those improvements as well as to insure the protection of the public.
(Ord. 06-020 § 1 (part))

12.02.010 Applicability.

This chapter applies to all work in the public ROW that is performed by individuals, contractors, and all utilities. This chapter does not apply to the city or its agents with regard to work it may perform in the public ROW.
(Ord. 06-020 § 1 (part))

12.02.015 Permit required.

All construction activities in the public ROW or within a public utility easement must have a valid city issued right-of-way permit. An approved permit is subject to revocation if any regulations or specifications are violated. The permit shall automatically expire if work is not begun within thirty (30) days of issuance.
(Ord. 06-020 § 1 (part))

12.02.020 Authority delegated to the city engineer.

The city engineer is authorized to develop and revise ROW permits, standard permit conditions and construction standards necessary to insure that all work performed in the public right-of-way is conducted in a manner that minimizes disturbance to the public, controls quality of the repairs and otherwise protects the public interest.
(Ord. 06-020 § 1 (part))

12.02.025 Requirement to provide bonds and fees.

The application shall be accompanied by appropriate permit review and inspection fees as well as the required bond. These fees will be listed in the city of Sherwood schedule of fees.
(Ord. 06-020 § 1 (part))

12.02.030 Exemptions from bonds and fees.

While all work in the ROW requires a permit, permit fees and bonds are waived for the following types of work.

A. Development work permitted under a valid compliance agreement;

B. Sidewalk or driveway repair (less than twenty (20) lineal feet);

C. Relocation or replacement of mailbox;

D. Ditch cleaning that does not involve regrading;

E. Weep-hole repair;

F. Curb repair or replacement (less than twenty (20) lineal feet);

G. Lawn sprinkler system installation or repair;

H. Street tree pruning or planting;

I. Planter strip landscape maintenance;

J. Minor improvements valued less than five hundred dollars ($500.00) as approved by the city engineer.

(Ord. 06-020 § 1 (part))

12.02.035 Public utility exemption from posting of bonds.

Public utilities are exempt from posting performance and maintenance bonds if the project estimate is less than one hundred thousand dollars ($100,000.00) and if the utility has provided a letter to the city demonstrating that they are both self-insured and bonded. The public utility is still required to pay fees for administration and inspection established by the city.

The utility must provided the city an exemption letter on a yearly basis in order to qualify for the exemption.
(Ord. 07-007 § 1)

Chapter 12.04

STREET CONSTRUCTION SPECIFICATIONS

Sections:

Article I. Driveway Construction Standards
12.04.010 Commercial and residential driveways.

Article II. Street Construction Standards (Reserved)

Article I.

Driveway Construction Standards

12.04.010 Commercial and residential driveways.

The commercial and residential driveways construction standards are attached to the ordinance codified in this chapter as Exhibit A and on file in the office of the city recorder, and approved and adopted in their entirety.
(Ord. 98-1054 § 1)

Article II.

Street Construction Standards (Reserved)

Chapter 12.08

SIDEWALKS CONSTRUCTION AND REPAIR

Sections:
12.08.010 Definitions.
12.08.020 Duty to repair and maintain sidewalks.
12.08.030 Owner's liability.
12.08.040 Duty to report defective walks.
12.08.050 Sidewalk specifications.
12.08.060 Declaration by council of defective walks as nuisance or need for sidewalks to be constructed.

12.08.070 Notice to owner.
12.08.080 Failure of owner to repair or construct.
12.08.090 Assessment.
12.08.100 Sidewalk assessment districts.
12.08.110 Violation--Penalty.

12.08.010 Definitions.

As used in this chapter:

"Owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Department of Revenue and Taxation for Washington County, Oregon.

"Person" means every natural person, firm, partnership, association or corporation.
(Ord. 682 § 1, 1977)

12.08.020 Duty to repair and maintain sidewalks.

It is made the duty of all owners of land adjoining any improved street in the city to construct, reconstruct and maintain in good repair the sidewalks in front of or adjacent to said lands. The city council shall have the power and authority to determine the grade and width of all sidewalks, the material to be used and the specifications for the construction thereof upon any street or part thereof or within any district in said city.
(Ord. 682 § 2, 1977)

12.08.030 Owner's liability.

All owners of property within the city limits of the city failing to repair defective sidewalks along and adjacent to their property shall be liable for all damages to whomsoever resulting or arising through their fault or negligence in failing to construct or put such sidewalk in repair.
(Ord. 682 § 3, 1977)

12.08.040 Duty to report defective walks.

Whenever a public sidewalk is found to be defective, out of repair or hazardous, by any officer of the city of Sherwood, or by any other person, a report thereof shall be made to the city administrator. The city administrator shall thereafter report such defective, out of repair or hazardous sidewalk to the city council.
(Ord. 682 § 4, 1977)

12.08.050 Sidewalk specifications.

The city council shall have the power to specially determine the grade and width of all sidewalks, the materials to be used and the specifications for construction thereof upon any street or part thereof, or within any district within the city. Unless the council so specially determines said matters with respect to a particular sidewalk, all sidewalks hereafter constructed or replaced shall be constructed in accordance with the standard sidewalk specifications and standard sidewalk plans heretofore adopted by the city council by Ordinance No. 600, enacted June 29, 1970, and applicable state statutes with respect to provisions for handicapped persons. All repairs undertaken pursuant to this chapter shall be according to city specifications as to the nature, manner and extent of repair. Repair work shall be done in such a manner as to make existing sidewalks conform as nearly as

reasonably practical to the standard specifications referred to in this section. The degree of conformity required shall be determined by the city administrator in his or her exercise of reasonable discretion.
(Ord. 682 § 5, 1977)

12.08.060 Declaration by council of defective walks as nuisance or need for sidewalks to be constructed.

After receiving the report of the city administrator referred to in Section 12.08.040 of this chapter, the city council, by ordinance, may declare the defective, out of repair or hazardous sidewalk a nuisance and direct that the defect or hazardous condition be eliminated or that said sidewalk be placed in a state of good repair.

In any case where no sidewalk exists adjacent to various parcels or tracts along a street which meet the standards of the city, the council may order the construction thereof by ordinance in the manner provided herein for repair of sidewalks, or may proceed with the formation of a sidewalk improvement assessment district, for construction of sidewalks along said street.

The ordinance ordering repair or construction of sidewalks shall specify the particular sidewalk or sidewalks to be constructed, the character of construction thereof, the character of the materials to be used therein, the width thereof, and the time within which the owner or owners of the parcels involved are required to construct the same, specifying therein the names of the owners or reputed owners of abutting parcels and lots, or portions thereof abutting upon such sidewalk or sidewalks.
(Ord. 682 § 6, 1977)

12.08.070 Notice to owner.

Within five days after the passage of the ordinance referred to in Section 12.08.060 of this chapter, the city administrator shall give notice to the owner of the real property adjacent to the sidewalk to be constructed or abutting on said sidewalk of the defect therein, the state of disrepair thereof, and of the determination that such condition constitutes a nuisance, by sending to such owner, by certified mail, at his address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon, a copy of such ordinance and a copy of this chapter.

The city recorder shall cause notice to also be given by publication in one issue of a weekly paper published in the city of Sherwood, proof of which publication shall be made by the affidavit of the printer or publisher of said newspaper filed with the city recorder.
(Ord. 682 § 7, 1977)

12.08.080 Failure of owner to repair or construct.

If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as required by said ordinance within sixty (60) days of the giving of the notice, or such longer time as the council by ordinance may specify, the city may construct or repair said sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost of the same, including expense to defray cost of notice, engineering, advertising and attorney's fees.
(Ord. 682 § 8, 1977)

12.08.090 Assessment.

Immediately after the cost of construction and repair of such sidewalks has been ascertained by the city council, the costs thereof shall be apportioned and a notice of the amount thereof shall be served upon the owner or owners of the lots or parcels of land or portions thereof, abutting upon such walk so constructed or repaired, either by mail addressed to the last known address or addresses of the person in whose name the real property is assessed for tax purposes according to the latest assessment roll in the office of the Department of Revenue and Taxation for Washington County, Oregon, or by personal service. Proof of said service shall be made and filed with the recorder.

The notice shall specify the amount of the cost of construction or repair, and that if said amount is not paid within thirty (30) days after date of service of notice, the council shall thereafter, after hearing objections, if any, made thereto, by ordinance assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the recorder shall enter such assessment in the docket of city liens in the manner provided in Chapter X of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in the manner provided by Chapter X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments, if in excess of twenty-five dollars ($25.00), may be paid, upon application being filed, in installments.
(Ord. 98-1049 § 5; Ord. 682 § 9, 1977)

12.08.100 Sidewalk assessment districts.

In any case where no sidewalk and/or curbs exist adjacent to various parcels or tracts along a street which meet the standards of the city, the council may proceed with formation of a sidewalk assessment district for the construction of sidewalks along said street. The procedure for establishing of sidewalk districts to lay and install sidewalks, assess and collect the costs and expenses thereof by assessing the real property benefited thereby shall in all respects be the same as those pertaining to the establishment of other local improvement districts in the city; except that any property within the area proposed for the improvement district that has sidewalks in front of or adjacent to said property that meet the specification of the city shall not be included within the district and shall not be assessed for said construction.
(Ord. 682 § 10, 1977)

12.08.110 Violation--Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars ($500.00).
(Ord. 98-1049 § 6: Ord. 682 § 11, 1977)

Chapter 12.12

PARKS AND OTHER PUBLIC AREAS

Sections:

12.12.010 Policy of city council.
12.12.020 Delegation of authority.
12.12.030 Regulations prescribed by council.
12.12.040 City employees not affected.
12.12.050 Closures.

12.12.060 Damage--Payment for restoration.
12.12.070 Parks--Sales and services for hire restricted.
12.12.080 Parks--Advertising and decorative devices forbidden.
12.12.090 Parks--Intoxicating liquor prohibited.
12.12.100 Parks--Rubbish accumulation prohibited.
12.12.110 Parks--Vandalism prohibited.
12.12.120 Parks--Firearms or fireworks prohibited.
12.12.130 Parks--Molesting animals, birds and fish prohibited.
12.12.140 Parks--Fishing and bathing restrictions.
12.12.150 Parks--Notice mutilation prohibited.
12.12.160 Parks--Animals running at large prohibited.
12.12.170 Parks--Use of established entrance required.
12.12.180 Parks--"No admittance" areas.
12.12.190 Permit for large groups required.
12.12.200 Permit--Exhibition required.
12.12.210 Permit--Subject to ordinances and regulations.
12.12.220 Public convenience stations.
12.12.230 Traffic regulations.
12.12.240 Violation--Penalty.

12.12.010 Policy of city council.

The city council, except as otherwise expressly provided, declares its intention to exercise general supervision, management and control of all public parks, public parkways, public squares, public grounds, including but not restricted to streets, boulevards, paths, sidewalks, greenways, rest areas, playgrounds and other areas, hereinafter collectively referred to as "public areas," whether publicly or privately owned, dedicated, leased or otherwise set aside for public use and not under the supervision or control of any other public agency; and the council declares its intention to prescribe rules and regulations as herein set forth or from time to time as necessary, with respect to such public areas.

All public areas as herein designated for general public use shall be kept and maintained for the use and benefit of the public, subject to such reasonable and necessary rules and regulations as herein prescribed or as may be from time to time adopted to protect and preserve the enjoyment, convenience and safety of the general public in the use thereof.
(Ord. 653 § 1, 1974)

12.12.020 Delegation of authority.

The city administrator is authorized to make such reasonable rules and regulations and to establish permit fees and permit deposits not inconsistent with this and other city ordinances and the policies of the council as herein enunciated, as may be necessary for the control and management of the public areas hereinabove designated. All such rules and regulations shall be set forth in writing, be reviewed and approved by the city park commission to the extent deemed necessary by the city administrator, shall be posted in conspicuous places in the areas affected thereby, for the guidance of the general public and individual users. When adopted, one copy of each rule and regulation shall be kept and maintained in a file for that purpose in the office of the city recorder with the approval of the park commission endorsed thereon.

If any person feels aggrieved by any such rule or regulation, he or she may appeal to the council by filing with the city recorder a remonstrance against such rule or regulation, which shall be placed on the agenda of the council at its next regular meeting; and until amended or repealed by the council, such rule or regulation shall remain in full force and effect.

(Ord. 653 § 2, 1974)

12.12.030 Regulations prescribed by council.

The council finds that it is in the public interest and necessary for the peace, health and safety of the general public that the rules and regulations set forth in this chapter be enforced, and for the purposes herein set forth are adopted.
(Ord. 653 § 3, 1974)

12.12.040 City employees not affected.

Nothing contained herein shall prevent the performance of any act or duty by city employees which has been duly authorized by the park commission, city administrator or public works director or police department.
(Ord. 653 § 4, 1974)

12.12.050 Closures.

No person shall ride, drive or walk on such parts or portions of the parks or pavements as may be closed to public travel, or interfere with barriers erected against the public.
(Ord. 653 § 5, 1974)

12.12.060 Damage--Payment for restoration.

A. Owners or persons in control of, or persons who permit the entry of, any dog, horse or other animal into any public area under the control of the city, in addition to any penalties imposed by this chapter for violation hereof, shall be held liable for, and shall pay to the city, the full value of repair or restoration of any public property damaged or destroyed; and if not paid upon demand by the city, recovery of same may be sought by action brought in the name of the city in any court of competent jurisdiction.

B. Any person who shall utilize the public areas herein described and who shall damage or destroy any public property under the control of the city, in addition to any penalties imposed by this chapter for violations hereof, shall be held liable for, and shall pay to the city, the full value of repair or restoration of any public property damaged or destroyed, and if not paid upon demand by the city, recovery of same may be sought by action brought in the name of the city in any court of competent jurisdiction.
(Ord. 653 § 6, 1974)

12.12.070 Parks--Sales and services for hire restricted.

It is unlawful for any person to sell or offer for sale an article or perform or offer to perform any service for hire in any of the parks without a written permit for such concession properly and regularly granted by the city administrator with concurrence and approval by the park commission.
(Ord. 653 § 7, 1974)

12.12.080 Parks--Advertising and decorative devices forbidden.

It is unlawful for any person to place or carry any structure, sign, bulletin board or advertising device of

any kind whatever, or erect any post or pole or the attachment of any notice, bill, poster, sign wire, rod or cord to any tree, shrub, fence, railing, fountain, wall, post or structure, or place any advertising, decorative or other device of any kind whatever, on any of the bases, statues, bridges or monuments in any park; provided, that the park commission may by a written permit, allow the erection of temporary decoration on occasions of public celebration or holidays.
(Ord. 653 § 8, 1974)

12.12.090 Parks--Intoxicating liquor prohibited.

It is unlawful for any person to take into or upon any park any intoxicating liquor, for other than his or her own use. No intoxicated person shall enter or remain in any of the parks. The sale or dispensing of malt beverages containing not more than four percent of alcohol by weight, shall be allowed only after obtaining a permit to do so from the city park commission, subject to approval of the city council and the Oregon Liquor Control Commission.
(Ord. 653 § 9, 1974)

12.12.100 Parks--Rubbish accumulation prohibited.

It is unlawful for any person to obstruct the free use and enjoyment of any park by misuse of refuse containers or by placing any straw, dirt, chips, paper, shavings, shells, ashes, swill or garbage, or other rubbish, or refuse or debris, in or upon any park, or to distribute any circulars, cards or other written or printed matter in any park.
(Ord. 653 § 10, 1974)

12.12.110 Parks--Vandalism prohibited.

It is unlawful for any person to remove, destroy, break, injure, mutilate or deface in any way any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower or other property in any park.
(Ord. 653 § 11, 1974)

12.12.120 Parks--Firearms or fireworks prohibited.

It is unlawful for any person to use firearms, firecrackers, fireworks, torpedoes or explosives of any kind in any park.
(Ord. 653 § 12, 1974)

12.12.130 Parks--Molesting animals, birds and fish prohibited.

It is unlawful for any person to use any weapon, stick, stone or missile of any kind to the destruction, injury, disturbance or molestation of any wild or domestic animal, fowl or fish within the park limits.
(Ord. 653 § 13, 1974)

12.12.140 Parks--Fishing and bathing restrictions.

It is unlawful for any person to fish, wade, swim or bathe in any of the parks except in the places

designated by regulation for such purposes. The park commission shall have authority to allow fishing in the waters of any park of the city by posting adjacent to such waters a sign or signs stating that such fishing is authorized, and by posting age limits, such fishing may be restricted to juveniles or other persons under the age as designated by the sign; and it is unlawful for any person over the age limit as posted to fish in any such waters of a city park.
(Ord. 653 § 14, 1974)

12.12.150 Parks--Notice mutilation prohibited.

It is unlawful for any person to injure, deface or destroy any notice of the rules and regulations for the government of the parks which shall have been posted or permanently fixed by order or permission of the park commission.
(Ord. 653 § 15, 1974)

12.12.160 Parks--Animals running at large prohibited.

It is unlawful for the owner, possessor or keeper of any animal to permit such animal to roam at large in any park, and, if such animal is found in any park, it may be impounded.
(Ord. 653 § 16, 1974)

12.12.170 Parks--Use of established entrance required.

No one shall enter or leave the parks except at an established entrance, and no one shall enter or remain in the parks after the hours fixed by regulation.
(Ord. 653 § 17, 1974)

12.12.180 Parks--"No admittance" areas.

No person shall enter any building, enclosure, or place within any of the parks upon which the words, "no admittance" shall be displayed or posted by sign, placard or otherwise.
(Ord. 653 § 18, 1974)

12.12.190 Permit for large groups required.

Use of the public areas herein described for organized group picnics, political or religious gatherings, or groups consisting of more than one hundred fifty (150) persons in attendance at any one time, is unlawful unless a written permit has been issued with the approval of the park commission or designated agent thereof.
(Ord. 653 § 19, 1974)

12.12.200 Permit--Exhibition required.

Any person claiming to have a permit from the city shall produce and exhibit such permit upon request of the park commissioner or the police department.
(Ord. 653 § 20, 1974)

12.12.210 Permit--Subject to ordinances and regulations.

All permits issued by the city shall be subject to the city's ordinances. The persons to whom such permits are issued shall be bound by the rules, regulations and ordinances as fully as though the same were inserted in such permits. Any person or persons to whom such permits shall be issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall be issued, as well as for any breach of such rules, regulations and ordinances, to the person or persons so suffering damages or injury.
(Ord. 653 § 21, 1974)

12.12.220 Public convenience stations.

A. It is unlawful for any person to blow, spread or place any nasal or other bodily discharge, or spit, urinate or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any bottle, can, cloth, rag, or metal, wood or stone substance in any of the plumbing fixtures in any such station.

B. It is unlawful for any person to stand or climb on any closet, closet seat, basin, partition or other furniture or fitting, or to loiter about or push, crowd or otherwise act in a disorderly manner, or to interfere with any attendant in the discharge of his or her duties, or whistle, dance, sing, skate, swear, or use obscene, loud or boisterous language within any public convenience station, or at or near the entrance thereof.

C. It is unlawful for any person to cut, deface, mar, destroy, break, remove or write on or scratch any wall, floor, ceiling, partition, fixture or furniture; or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any public convenience station.
(Ord. 653 § 22, 1974)

12.12.230 Traffic regulations.

Except as may be otherwise specifically prescribed by this chapter or other city ordinances, the motor vehicle code of the city regulating street traffic shall be in full force and effect in all public areas described in this chapter.

The following regulations are made applicable to public areas within the city and subject to the city's control:

A. No one shall ride or drive any bicycle, motorcycle, motor vehicle, truck, wagon, horse, or any vehicle or animal in any part of the parks, except on the regular drives designated therefor; provided, that baby carriages and such vehicles as are used in the park service are not included in the foregoing prohibition.

B. No one shall drive any moving van, dray, truck, heavy-laden vehicle, or vehicle carrying or ordinarily used in carrying merchandise, goods, tools, materials or rubbish, except such as are used in the park service, over any drive or boulevard in any of the parks; provided, however, the city park commission in its discretion may grant permission in writing for vehicles to carry materials over park drives or boulevards to buildings abutting on parks when no other road, street

or way is accessible or passable.

C. No one shall hitch horses or other animals to any tree, shrub, fence, railing or other structure, except such as are provided for such purpose, or allow horses or other animals to stand unhitched while the rider or attendant is beyond reach of such horse or other animal.

D. It is unlawful for any person to park any motor vehicle on any park or playground area in the city, except in regularly designated parking areas. The police department shall have and exercise authority to tow any vehicle found parked in a park or playground area not designated for parking purposes, and to impound such vehicle and to impose and collect the fees for towing and storage.

E. It is unlawful for any person to store, park or leave standing unattended for a continuous period of more than twenty-four (24) hours, any motor vehicle, boat, trailer, conveyance or other personal property within any public area under the city's control.

(Ord. 653 § 23, 1974)

12.12.240 Violation--Penalty.

Any person violating any provision of this chapter or any rule or regulation adopted pursuant hereto, upon conviction, shall be punishable by a fine of not more than five hundred dollars ($500.00).
(Ord. § 98-1049 § 7: Ord. 653 § 24, 1974)

Chapter 12.16

UTILITY FACILITIES IN PUBLIC RIGHT-OF-WAY

Sections:

12.16.010 Title.
12.16.020 Purpose and intent.
12.16.030 Jurisdiction and management of the public ROW.
12.16.040 Regulatory fees and compensation not a tax.
12.16.050 Definitions.
12.16.060 Licenses.
12.16.070 Construction and restoration.
12.16.080 Location of facilities.
12.16.090 Leased capacity.
12.16.100 Maintenance.
12.16.110 Vacation.
12.16.120 Privilege tax.
12.16.130 Audits.
12.16.140 Insurance and indemnification.
12.16.150 Compliance.
12.16.160 Confidential/proprietary information.
12.16.170 Penalties.
12.16.180 Severability and preemption.
12.16.190 Application to existing agreements.

12.16.010 Title.

The ordinance codified in this chapter shall be known, and may be pleaded as the city of Sherwood

utility facilities in public rights-of-way ordinance.
(Ord. 08-011 § 1 (part))

12.16.020 Purpose and intent.

The purpose and intent of this chapter is to:

A. Permit and manage reasonable access to the public ROW of the city for utility purposes and conserve the limited physical capacity of those public ROW held in trust by the city consistent with applicable state and federal law;

B. Assure that the city's current and ongoing costs of granting and regulating access to and the use of the public ROW are fully compensated by the persons seeking such access and causing such costs;

C. Secure fair and reasonable compensation to the city and its residents for permitting use of the public ROW;

D. Assure that all utility companies, persons and other entities owning or operating facilities and/or providing services within the city comply with the ordinances, rules and regulations of the city;

E. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;

F. Encourage the provision of advanced and competitive utility services on the widest possible basis to businesses and residents of the city on a competitively neutral basis; and

G. Comply with applicable provisions of state and federal law.
(Ord. 08-011 § 1 (part))

12.16.030 Jurisdiction and management of the public ROW.

A. The city has jurisdiction and exercises regulatory management over all public ROW within the city under authority of the city charter and state law.

B. The city has jurisdiction and exercises regulatory management over each public ROW whether the city has a fee, easement, or other legal interest in the ROW, and whether the legal interest in the ROW was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

C. The exercise of jurisdiction and regulatory management of a public ROW by the city is not official acceptance of the ROW, and does not obligate the city to maintain or repair any part of the ROW.

D. The provisions of this chapter are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.
(Ord. 08-011 § 1 (part))

12.16.040 Regulatory fees and compensation not a tax.

A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public ROW provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a utility operator, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.

B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.

C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

D. The city reserves the right to waive fees for city facilities occupying the ROW.
(Ord. 08-011 § 1 (part))

12.16.050 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of: (i) video programming, or (ii) other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Sherwood, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City council" means the elected governing body of the city of Sherwood, Oregon.

"City facilities" means city or publicly-owned structures or equipment located within the ROW or public easement used for governmental purposes.

"License" means the authorization granted by the city to a utility operator pursuant to this chapter.

"Person" means and includes any individual, firm, sole proprietorship, corporation, company, partnership, co-partnership, joint-stock company, trust, limited liability company, association or other organization, including any natural person or any other legal entity.

"Private communications system" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private communications system" includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140.

"Public utility easement" means the space in, upon, above, along, across, over or under an easement for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of utilities facilities. "Public utility easement" does not include an easement solely for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of city facilities.

"Right-of-way" or "ROW" means and includes, but is not limited to, the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, public utility easements and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks or parkland. This definition applies only to the extent of the city's right, title, interest and authority to grant a license to occupy and use such areas for utility facilities.

"State" means the state of Oregon.

"Telecommunications services" means the transmission for hire, of information in electromagnetic frequency, electronic or optical form, including, but not limited to, voice, video or data, whether or not the transmission medium is owned by the provider itself and whether or not the transmission medium is wireline. Telecommunications service includes all forms of telephone services and voice, data and video transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996.

"Utility facility" or "facility" means any physical component of a system, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, transmitters, plant, equipment and other facilities, located within, under or above the ROW, any portion of which is used or designed to be used to deliver, transmit or otherwise provide utility service.

"Utility operator" or "operator" means any person who owns, places, operates or maintains a utility facility within the city.

"Utility service" means the provision, by means of utility facilities permanently located within, under or above the ROW, whether or not such facilities are owned by the service provider, of electricity, natural gas, telecommunications services, cable services, water, sewer, and/or storm sewer to or from customers within the corporate boundaries of the city, and/or the transmission of any of these services through the city whether or not customers within the city are served by those transmissions.

"Work" means the construction, demolition, installation, replacement, repair, maintenance or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance or relocation.
(Ord. 08-011 § 1 (part))

12.16.060 Licenses.

A. License Required.

1. Except those utility operators with a valid franchise agreement from the city, every person shall obtain a license from the city prior to constructing, placing or locating any utility facilities in the ROW.

2. Every person that owns or controls utility facilities in the ROW as of the effective date of this chapter shall apply for a license from the city within forty-five (45) days of the later of: (1) the effective date of this chapter, or (2) the expiration of a valid franchise from the city, unless a new franchise is granted by the city prior to the expiration date or other date agreed to in writing by the city.

B. License Application. The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the type of utility service provided or to be provided by the applicant, and the facilities over which the utility service will be provided, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.

C. License Application Fee. The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the city council in an amount sufficient to fully recover all of the city's costs related to processing the application for the license.

D. Determination by City. The city shall issue, within a reasonable period of time, a written determination granting or denying the license in whole or in part. If the license is denied, the written determination shall include the reasons for denial. The license shall be evaluated based upon the provisions of this chapter, the continuing capacity of the ROW to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.

E. Franchise Agreements. If the public interest warrants, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of city council. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with the franchise.

F. Rights Granted.

1. The license granted hereunder shall authorize and permit the licensee, subject to the provisions of the Municipal Code and other applicable provisions of state or federal law, to construct, place, maintain and operate utility facilities in the ROW for the term of the license.

2. The license granted pursuant to this chapter shall not convey equitable or legal title in the ROW, and may not be assigned or transferred except as permitted in subsection K of this section.

3. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, police power or regulatory power of the city as may exist at the time the license is issued or thereafter obtained.

G. Term. Subject to the termination provisions in subsection M of this section, the license granted pursuant to this chapter will remain in effect for a term of five years.

H. License Nonexclusive. No license granted pursuant to this section shall confer any exclusive right, privilege, license or franchise to occupy or use the ROW for delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the ROW, for similar or different purposes. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the ROW. Nothing in the license shall be deemed to grant, convey, create, or vest in licensee a real property interest in land, including any fee, leasehold interest or easement.

I. Reservation of City Rights. Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any ROW, constructing, laying down, repairing, relocating or removing city water or sewer facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any of licensee's utility facilities interfere with the construction, repair, replacement, alteration or removal of any ROW, public work, city utility, city improvement or city facility, except those providing utility services in competition with a licensee, licensee's facilities shall be removed or relocated as provided in Section 12.16.080(C), (D) and (E) of this chapter, in a manner acceptable to the city, and subject to industry standard engineering and safety codes.

J. Multiple Services.

1. A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the license and privilege tax requirements of this chapter for the portion of the facilities and extent of utility services delivered over those facilities.

2. A utility operator that provides or transmits more than one utility service over its facilities is not required to obtain a separate license for each utility service, provided that it gives notice to the city of each utility service provided or transmitted and pays the applicable privilege tax for each utility service.

K. Transfer or Assignment. To the extent permitted by applicable state and federal laws, the licensee shall obtain the written consent of the city prior to the transfer or assignment of the license. The license shall not be transferred or assigned unless the proposed transferee or assignee is authorized under all applicable laws to own or operate the utility system and the transfer or assignment is approved by all agencies or organizations required or authorized under federal and state laws to approve such transfer or assignment. If a license is transferred or assigned, the transferee or assignee shall become responsible for all facilities of the licensee at the time of transfer or assignment. A transfer or assignment of a license does not extend the term of the license.

L. Renewal. At least ninety (90), but no more than one hundred eighty (180), days prior to the expiration of a license granted pursuant to this section, a licensee seeking renewal of its license shall submit a license application to the city, including all information required in subsection B of this section and the application fee required in subsection C of this section. The city shall review the application as required by subsection D of this section and grant or deny the license within ninety (90) days of submission of the

application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within ninety (90) days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

M. Termination.

1. Revocation or Termination of a License. The city council may terminate or revoke the license granted pursuant to this chapter for any of the following reasons:

   a. Violation of any of the provisions of this chapter;

   b. Violation of any provision of the license;

   c. Misrepresentation in a license application;

   d. Failure to pay taxes, compensation, fees or costs due the city after final determination of the taxes, compensation, fees or costs;

   e. Failure to restore the ROW after construction as required by this chapter or other applicable state and local laws, ordinances, rules and regulations;

   f. Failure to comply with technical, safety and engineering standards related to work in the ROW; or

   g. Failure to obtain or maintain any and all licenses, permits, certifications and other authorizations required by state or federal law for the placement, maintenance and/or operation of the utility facilities.

2. Standards for Revocation or Termination. In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:

   a. The egregiousness of the misconduct;

   b. The harm that resulted;

   c. Whether the violation was intentional;

   d. The utility operator's history of compliance; and/or

   e. The utility operator's cooperation in discovering, admitting and/or curing the violation.

3. Notice and Cure. The city shall give the utility operator written notice of any apparent violations before terminating a license. The notice shall include a short and concise statement of the nature

and general facts of the violation or noncompliance and provide a reasonable time (no less than twenty (20) and no more than forty (40) days) for the utility operator to demonstrate that the utility operator has remained in compliance, that the utility operator has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or revocation. If the utility operator is in the process of curing a violation or noncompliance, the utility operator must demonstrate that it acted promptly and continues to actively work on compliance. If the utility operator does not respond or if the city manager or designee determines that the utility operator's response is inadequate, the city manager or designee shall refer the matter to the city council, which shall provide a duly noticed public hearing to determine whether the license shall be terminated or revoked.

(Ord. 08-011 § 1 (part))

12.16.070 Construction and restoration.

A. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including the National Electrical Code and the National Electrical Safety Code.

B. Construction Permits. No person shall construct, install, or perform any work on utility facilities within the ROW without first obtaining all required permits, including the ROW permit required in Chapter 12.02 of this title, except in the event of an emergency or other exemption consistent with Chapter 12.02. The city shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the utility operator of the facilities has applied for and received the license required by this chapter, or has a current franchise with the city, and all applicable fees have been paid.

C. Street Excavations and Restoration. Open cutting of pavement shall only be allowed in areas specifically approved by the city engineer or designee. When a utility operator, or any person acting on its behalf, does any work in or affecting any public ROW, it shall, at its own expense, promptly restore the public ROW as required by the permit or as otherwise directed by the city engineer or designee.

D. A utility operator shall preserve and protect from injury other utility operators' facilities in the ROW, the public using the ROW and any adjoining property, and take other necessary measures to protect life and property, including but not limited to buildings, walls, fences, trees or utilities that may be subject to damage from the permitted work. A utility operator shall be responsible for all damage to public or private property resulting from its failure to properly protect people and property and to carry out the work.

E. Inspection. Every utility operator's facilities shall be subject to the right of periodic inspection and testing by the city to determine compliance with the provisions of this chapter and all other applicable state and city codes, ordinances, rules and regulations. Every utility operator shall cooperate with the city in permitting the inspection of utility facilities upon request of the city.

F. Coordination of Construction. All utility operators are required to make a good faith effort to both cooperate with and coordinate their construction schedules with those of the city and other users of the ROW.

1. Prior to January 1st of each year, utility operators shall provide the city with a schedule of known

proposed construction activities for that year in, around or that may affect the ROW.

2. Utility operators shall meet with the city annually, or as determined by the city, to schedule and coordinate construction in the ROW.

3. All construction locations, activities and schedules within the ROW shall be coordinated as ordered by the city manager or designee, to minimize public inconvenience, disruption, or damages.

(Ord. 08-011 § 1 (part))

12.16.080 Location of facilities.

A. Location of Facilities. Unless otherwise agreed to in writing by the city, whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a ROW of the city, the utility operator with permission to occupy the same ROW shall locate its facilities underground. This requirement shall not apply to facilities used for transmission of electric energy at nominal voltages in excess of thirty-five thousand (35,000) volts or to pedestals, cabinets or other above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the ROW.

B. Interference with the ROW. No utility operator or other person may locate or maintain its facilities so as to unreasonably interfere with the use of the ROW by the city, by the general public or by other persons authorized to use or be present in or upon the ROW. All use of the ROW shall be consistent with city codes, ordinances and regulations.

C. Relocation of Utility Facilities.

1. A utility operator shall, at no cost to the city, relocate its aerial utility facilities underground when requested to do so in writing by the city, consistent with applicable state and federal law.

2. A utility operator shall, at no cost to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a ROW when requested to do so in writing by the city. Nothing herein shall be deemed to preclude the utility operator from requiring or requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs, agreements or otherwise, provided that such reimbursement or compensation shall not delay the utility operator's obligation to comply with this section in a timely manner.

3. The city shall provide written notice of the amount of time for removal, relocation, change, alteration or undergrounding. If a utility operator fails to remove, relocate, alter or underground any utility facility as requested by the city and by the date reasonably established by the city, the utility operator shall pay all costs incurred by the city due to such failure, including but not limited to project delays, and the city may cause the utility facility to be removed, relocated, altered or undergrounded at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty (30) days.

D. Removal of Unauthorized Facilities.

1. Unless otherwise agreed to in writing by the city manager or designee, within thirty (30) days following written notice from the city, a utility operator and any other person that owns, controls, or maintains any abandoned or unauthorized utility facility within a ROW shall, at its own expense, remove the facility and restore the ROW.

2. A utility system or facility is unauthorized under any of the following circumstances:

   a. The utility facility is outside the scope of authority granted by the city under the license, franchise or other written agreement. This includes facilities that were never licensed or franchised and facilities that were once licensed or franchised but for which the license or franchise has expired or been terminated. This does not include any facility for which the city has provided written authorization for abandonment in place.

   b. The facility has been abandoned and the city has not provided written authorization for abandonment in place. A facility is abandoned if it is not in use and is not planned for further use. A facility will be presumed abandoned if it is not used for a period of one year. A utility operator may overcome this presumption by presenting plans for future use of the facility.

   c. The utility facility is improperly constructed or installed or is in a location not permitted by the license, franchise or this chapter.

   d. The utility operator is in violation of a material provision of this chapter and fails to cure such violation within thirty (30) days of the city sending written notice of such violation, unless the city extends such time period in writing.

E. Removal by City.

1. The city retains the right and privilege to cut or move the facilities of any utility operator or similar entity located within the public ROW of the city, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

2. If the utility operator fails to remove any facility when required to do so under this chapter, the city may remove the facility using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations, and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the city in removing the facility and obtaining reimbursement. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty (30) days. The obligation to remove shall survive the termination of the license or franchise.

3. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in

removing, relocating or altering the facilities pursuant to subsection B, C or D of this section or undergrounding its facilities as required by subsection A of this section, or resulting from the utility operator's failure to remove, relocate, alter or underground its facilities as required by those subsections.

F. As Built Drawings. The utility operator shall provide the city with two complete sets of engineered plans in a form acceptable to the city showing the location of all its utility facilities in the ROW after initial construction and shall provide two updated complete sets of as built plans annually, upon request of the city.
(Ord. 08-011 § 1 (part))

12.16.090 Leased capacity.

A utility operator may lease capacity on or in its systems to others, provided that, upon request, the utility operator provides the city with the name and business address of any lessee.
(Ord. 08-011 § 1 (part))

12.16.100 Maintenance.

Every utility operator shall install and maintain all facilities in a manner that prevents injury to the ROW or public utility easements, the city's property or the property belonging to another person. The utility operator shall, at its own expense, repair and maintain facilities from time to time as may be necessary to accomplish this purpose.
(Ord. 08-011 § 1 (part))

12.16.110 Vacation.

If the city vacates any ROW, or portion thereof, that a utility operator uses, the utility operator shall, at its own expense, remove its facilities from the ROW unless the city reserves a public utility easement, which the city shall make a reasonable effort to do provided that there is no cost or expense to the city, or the utility operator obtains an easement for its facilities. If the utility operator fails to remove its facilities within thirty (30) days after a ROW is vacated, or as otherwise directed or agreed to in writing by the city, the city may remove the facilities at the utility operator's sole expense. Upon receipt of an invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty (30) days.
(Ord. 08-011 § 1 (part))

12.16.120 Privilege tax.

A. Every utility operator shall pay the privilege tax set by resolution of the city council.

1. For utility operators providing utility service to customers within the city, the privilege tax shall be a percentage of gross revenues earned from the provision of service within the city. "Gross revenues" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectibles, unless the council, by resolution, determines otherwise.

2. For utility operators that do not provide utility service to customers within the city, the privilege

tax shall be a flat fee per lineal foot of utility facilities in the city or such other fee determined by the city council.

3. For utility operators with no facilities in the ROW other than facilities mounted on structures within the right-of-way, which structures are owned by another person, and with no facilities strung between such structures or otherwise within, under or above the ROW, the privilege tax shall be a flat fee per structure or such other fee determined by the city council.

B. Privilege tax payments required by this section shall be reduced by any franchise fee payments received by the city, but in no case will be less than zero dollar.

C. Unless otherwise agreed to in writing by the city, the tax set forth in subsection (A)(1) of this section shall be paid quarterly, in arrears, for each quarter during the term of the license within thirty (30) days after the end of each calendar quarter, and shall be accompanied by an accounting of gross revenues, if applicable, and a calculation of the amount payable. The tax set forth in subsections (A)(2) and (A)(3) of this section shall be paid annually, in arrears, for each year during the term of this license within thirty (30) days after the end of each calendar year, and shall be accompanied by a statement of the length of facilities in the ROW or number of structures occupied in the ROW, if applicable, and a calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.

D. The calculation of the privilege tax required by this section shall be subject to all applicable limitations imposed by federal or state law.
(Ord. 08-011 § 1 (part))

12.16.130 Audits.

A. Within thirty (30) days of a written request from the city, or as otherwise agreed to in writing by the city, the provider of utility service shall:

1. Furnish the city with information sufficient to demonstrate that the utility operator is in compliance with all the requirements of this chapter and its franchise agreement, if any, including but not limited to the privilege tax payments required by Section 12.16.120 and the franchise fee required in any franchise.

2. Make available for inspection by the city at reasonable times and intervals all maps, records, books, diagrams, plans and other documents, maintained by the utility operator with respect to its facilities within the public ROW or public utility easements. Access shall be provided within the Portland, Oregon metropolitan area unless prior arrangement for access elsewhere has been made with the city.

B. If the city's audit of the books, records and other documents or information of the utility operator demonstrate that the utility operator has underpaid the privilege tax or franchise fee by five percent or more in any one year, the utility operator shall reimburse the city for the cost of the audit, in addition to any interest owed pursuant to Section 12.16.120(C) of this chapter or as specified in a franchise.

C. Any underpayment, including any interest or audit cost reimbursement, shall be paid within

thirty (30) days of the city's notice to the utility service provider of such underpayment.
(Ord. 08-011 § 1 (part))

12.16.140 Insurance and indemnification.

A. Insurance.

1. All utility operators shall maintain in full force and effect the following liability insurance policies that protect the utility operator and the city, as well as the city's officers, agents, and employees:

    a. Comprehensive general liability insurance with limits not less than:

        i. Two million dollars ($2,000,000.00) for bodily injury or death to each person;

        ii. Two million dollars ($2,000,000.00) for property damage resulting from any one accident; and

        iii. Two million dollars ($2,000,000.00) for all other types of liability.

    b. Motor vehicle liability insurance for owned, nonowned and hired vehicles with a limit of one million dollars ($1,000,000.00) for each person and two million dollars ($2,000,000.00) for each accident.

    c. Worker's compensation within statutory limits and employer's liability with limits of not less than one million dollars ($1,000,000.00).

    d. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than two million dollars ($2,000,000.00).

2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name, or the certificate of insurance shall name, as additional insureds the city and its officers, agents, and employees. The coverage must apply as to claims between insureds on the policy. The certificate of insurance shall provide that the insurance shall not be canceled or materially altered without thirty (30) days prior written notice first being given to the city. If the insurance is canceled or materially altered, the utility operator shall provide a replacement policy with the terms as outlined in this section. The utility operator shall maintain continuous uninterrupted coverage, in the terms and amounts required. The utility operator may self insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage.

3. The utility operator shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the coverage required above.

B. Financial Assurance. Unless otherwise agreed to in writing by the city, before a franchise granted or license issued pursuant to this chapter is effective, and as necessary thereafter, the utility operator shall provide a performance bond or other financial security, in a form acceptable to the city, as security for the full and complete performance of the franchise, if applicable, and compliance with the terms of this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the utility operator to comply with the codes, ordinances, rules, regulations or permits of the city.

C. Indemnification.

1. Each utility operator shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failure to act, or other misconduct of the utility operator or its affiliates, officers, employees, agents, contractors, subcontractors, or lessees in the construction, operation, maintenance, repair, or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this chapter or by a franchise agreement. The acceptance of a license under Section 12.16.060 shall constitute such an agreement by the applicant whether the same is expressed or not. Upon notification of any such claim the city shall notify the utility operator and provide the utility operator with an opportunity to provide defense regarding any such claim.

2. Every utility operator shall also indemnify the city for any damages, claims, additional costs or expenses assessed against or payable by the city arising out of or resulting, directly or indirectly, from the utility operator's failure to remove or relocate any of its facilities in the ROW or easements in a timely manner, unless the utility operator's failure arises directly from the city's negligence or willful misconduct.

(Ord. 08-011 § 1 (part))

12.16.150 Compliance.

Every utility operator shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules and regulations of the city, heretofore or hereafter adopted or established during the entire term of any license granted under this chapter.

(Ord. 08-011 § 1 (part))

12.16.160 Confidential/proprietary information.

If any utility operator is required by this chapter to provide books, records, maps or information to the city that utility operator reasonably believes to be confidential or proprietary, the city shall take reasonable steps to protect the confidential or proprietary nature of the books, records or information, to the extent permitted by Oregon public records laws, provided that they are clearly designated as such by the utility operator at the time of disclosure to the city. The city shall not be required to incur any costs to protect such document, except as to

the city's routine internal procedures for complying with Oregon public records law.
(Ord. 08-011 § 1 (part))

12.16.170 Penalties.

A. Any person found guilty of violating any of the provisions of this chapter shall be fined not more than one thousand dollars ($1,000.00). A separate and distinct offense shall be deemed committed each day on which a violation occurs.

B. Nothing in this chapter shall be construed as limiting any judicial or other remedies the city may have at law or in equity, for enforcement of this chapter.
(Ord. 08-011 § 1 (part))

12.16.180 Severability and preemption.

A. The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.

B. If any article, section, subsection, sentence, clause, phrase, term, provision, condition or portion of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the remainder of this chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, clause, phrase, term, provision, condition, covenant and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted by federal or state laws, rules or regulations, the provision shall be preempted only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded, amended or otherwise changed to end the preemption, such provision shall thereupon return to full force and effect and shall thereafter be binding without further action by the city.
(Ord. 08-011 § 1 (part))

12.16.190 Application to existing agreements.

To the extent that this chapter is not in conflict with and can be implemented consistent with existing franchise agreements, this chapter shall apply to all existing franchise agreements granted to utility operators by the city.
(Ord. 08-011 § 1 (part))

Title 13

PUBLIC SERVICES

Chapters:

13.05 Cross-Connection and Backflow Program

13.08 Sewer Service Use Regulations

13.09 Sanitary Sewer Interceptors

13.10 Water Service Regulations

13.12 Sewer Service Rates and Charges

13.16 Unified Sewerage Agency of Washington County

13.20 Water Use Restrictions

13.24 Public Improvement Reimbursement Districts

Chapter 13.05

CROSS-CONNECTION AND BACKFLOW PROGRAM*

* **Editors Note:** Ord. No. 2009-007, § 2, adopted June 16, 2009, amended the Code by, in effect, repealing former Ch. 13.05, §§ 13.05.010--13.05.050, and adding a new Ch. 13.05. Former Ch. 13.05 pertained to similar subject matter, and derived from Ord. No. 00-1107.

Sections:

13.05.010 Definitions.
13.05.020 Prohibitions and conditions.
13.05.030 Backflow prevention assemblies required.
13.05.040 Testing.
13.05.050 Violation/remedies.

13.05.010 Definitions.

As used this chapter, the following terms shall, unless the context requires otherwise, mean as follows:

A. "City." City of Sherwood.

B. "City system." The source facilities and distribution system (including all facilities of the water system under the control of the city) up to the point where the user's system begins.

C. "Distribution system." The city-owned network of conduits and water mains used for delivery of

potable water from the source facilities to the user's system.

D. "Premises." Includes real property and all improvements located thereon.

E. "Premises isolation." The practice of protecting the potable water supply from contamination or pollution by installing backflow prevention assemblies at or near the point of delivery of potable water to a premises.

F. "Source facilities." Includes all city components used in the production, treatment, storage and delivery of potable water to the distribution system.

G. "User." Includes the terms "owner," "customer" and "consumer."

H. "User's system." Those parts of a user's private facilities beyond the distribution system utilized to convey potable water to points of use on the user's premises. Domestic and irrigation systems start immediately behind the water meter; fire line systems start with the valve immediately off the main water system line.

I. "Water system." Includes both the city system and the user's system.
(Ord. No. 2009-007, § 2, 6-16-2009)

13.05.020 Prohibitions and conditions.

A. No water service connection to any premises shall be installed, made or maintained by the city unless approved by the city and protected consistent with OAR 333-61-0070 and the terms of this chapter.

B. Water service shall be terminated to a user's premises if:

1. A backflow prevention assembly is not installed, tested and maintained; or

2. If it is found that a backflow prevention assembly has been removed, bypassed; or

3. If an unprotected cross-connection exists on the premises service will not be restored until such conditions or defects are corrected.

C. A user's facilities shall be open for inspection at all reasonable times to city inspectors to allow for a determination of compliance with the provisions of this chapter.
(Ord. No. 2009-007, § 2, 6-16-2009)

13.05.030 Backflow prevention assemblies required.

A. An approved backflow prevention assembly shall be installed on each service line of to a user's system at or near the property line or immediately inside the structure being served.

B. Whenever any of the following conditions exist, an approved backflow prevention assembly shall be installed before the first branch line leading off the service line:

1. There is an auxiliary water supply which is (or can be) connected to the potable water piping.

2. There is piping for conveying liquids other than potable water where that piping is under pressure and installed in proximity to potable water piping.

3. There is intricate plumbing making it impractical to ascertain whether or not a cross-connection exists.

4. There is a pipeline one and one-half inches or larger internal diameter supplying city water to the premises.

5. The premises is a commercial, multi-family, industrial or institutional use

6. There is a structure more than thirty (30) feet in height (measured between the highest peak of the structure and the elevation of the service at the public water main to those premises) and the pipeline supplying water to the structure is one and one-half (1 1/2) inches or less in internal diameter.

7. There is a risk of back siphoning or back pressure.

8. There is a cross-connection or potential cross-connection.

9. There is an irrigation/sprinkler system.

C. The owner of a mobile apparatus to which the city supplies water shall provide for backflow prevention by installing a backflow prevention device assembly or provide an approved air gap separation on the mobile apparatus.

D. When there is a standby fire line/sprinkler system using piping material not approved for potable water use and/or which does not provide for periodic flow through the line during each twenty-four (24) hour period, a double check detector assembly ("DCDA") will be the minimum protection required. In addition:

1. Any system with provisions for adding foamite or other toxic fire retardants whether directly connected or not will require a reduced pressure principle detector assembly ("RPDA") at the property line;

2. Any system connected to or with provision for connection to an unapproved auxiliary water supply will require a RPDA at the property line;

3. Any system that utilizing toxic antifreeze will require a RPDA on the antifreeze loop or a RPDA at the property line;

4. Any system that utilizes a Federal Food and Drug Administration (FDA) accepted antifreeze will require a RPDA on the antifreeze loop;

5. Any system with private fire hydrants will require DCDA at the property line.

E. The type of backflow prevention required under this subsection shall be at least commensurate with the degree of hazard which exists:

1. An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure backflow device ("RPBD") assembly shall be installed when the substance which could backflow is hazardous to health, such as but not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes, and medical clinics;

2. An approved double check valve assembly ("DCVA") shall be installed when the substance which could backflow is objectionable but does not pose an unreasonable risk to health;

3. An approved pressure vacuum breaker or an atmospheric vacuum breaker shall be installed when the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of backpressure in downstream piping. A shutoff valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker.

F. All backflow prevention device assemblies required under this section shall be of a type and model approved by the Oregon Department of Human Services (DHS)and installed consistent with the terms of Oregon Administrative Rule 333-61-0071 and city backflow standards found in this chapter.

G. All water meters which are for irrigation purposes only shall be installed with an approved backflow prevention assembly by the user at the user's expense. These meters shall be locked upon installation. The locks shall not be removed until the approved backflow assembly has been installed properly and the city inspector has inspected and approved the installation.

H. All water meters/services requiring premises isolation shall be locked upon installation. After the backflow assembly is installed, the owner or user will schedule the initial test with the city.

I. Backflow prevention device assemblies installed before the effective date of the ordinance codified in this chapter shall be permitted to remain in service if:

1. They were approved at the time of installation but are not on the current list of approved devices;

2. They are properly maintained;

3. They are commensurate with the degree of hazard; and

4. They are tested annually and perform satisfactorily.

J. When devices of this type are moved, or require more than minimum maintenance or are on services which have been modified, changed or remodeled, they shall be replaced by device assemblies which

are on the DHS approved list.
(Ord. No. 2009-007, § 2, 6-16-2009)

13.05.040 Testing.

A. The user or owner of the premises where one (1) or more backflow prevention device is installed shall cause a test of the device(s) be performed by an Oregon State Health Division certified tester:

1. At the time of installation prior to the institution of water service after one (1) of the circumstances described in 13.05.030(B) occurs;

2. If the device is moved or repaired, then immediately thereafter; or, at a minimum

3. Annually.

B. Unless otherwise provided, the owner of a mobile apparatus on which a backflow prevention device assembly or air gap separation is required shall cause a test of the assembly or an inspection of the air gap separation to be performed within the year before use in the city and not less than annually thereafter.

C. The city may require more frequent testing of backflow prevention assembly devices if the assembly is installed at a facility that poses an extreme health risk or if the device fails repeatedly.

D. All completed backflow test reports must be forwarded to the city within ten (10) working days from the date of the test. If the test results indicate that the device is working properly the results shall be entered in city records as such. If the test results indicate that the device is not working properly, the device must be repaired immediately and re-tested and the test results then forwarded to the city within ten (10) working days.

E. If, for some reason, a device fails a test and repair thereof is not immediately possible, the city shall be notified immediately of said failure, the location of the failed device and estimated time of repairs which repairs cannot take longer than five (5) working days.

F. If the city has not received the results of a test required to be performed, it may opt to perform or order a test and add the cost thereof to the user's water bill, or, in the alternative, terminate water service to the premises consistent with the terms of SMC 13.10.040.

G. If the user or owner of a backflow device fails to make repairs on a failed back-flow device within ten (10) days of a test showing the device is not operating properly, the city may order the repair and retest and add the cost of the repair and retest to the user's/ owner's water bill, or in the alternative, the city may terminate water service to the premises consistent with the terms of SMC 13.10.040.
(Ord. No. 2009-007, § 2, 6-16-2009)

13.05.050 Violation/remedies.

Violation of any provision(s) of this chapter is subject to a civil penalty in an amount listed in the city's fee schedule. In addition to imposition of civil any penalty(ies), the city may seek injunctive or other equitable

relief in a court of competent jurisdiction to abate the violation and seek other relief afforded it under federal or state law or other provisions of this Code.
(Ord. No. 2009-007, § 2, 6-16-2009)

Chapter 13.08

SEWER SERVICE USE REGULATIONS

Sections:
13.08.010 Definitions.
13.08.020 Use of public sewers required.
13.08.030 Private sewage disposal.
13.08.040 Building sewers and connections.
13.08.050 Use of the public sewers.
13.08.060 Protection from damage.
13.08.070 Powers and authority of inspectors.
13.08.080 Violation--Penalty.

13.08.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"B.O.D." (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in parts per million by weight.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Parts per million" means a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. "Parts per million" when used herein shall be equal to "milligrams per liter."

"Person" means any individual, firm, company, association, society, corporation or group.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" is mandatory; "may" is permissive.

"Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

"Superintendent" means the maintenance superintendent of the city, or his or her authorized deputy, agent or representative.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 530 Art. I, 1964)

13.08.020 Use of public sewers required.

A. It is unlawful for any person to place, deposit or permit to be deposited in an insanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

B. It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes or other polluted waters, except where suitable

treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line.
(Ord. 530 Art. II, 1964)

13.08.030 Private sewage disposal.

A. Where a public sanitary or combined sewer is not available under the provisions of Section 13.08.020D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of five dollars shall be paid to the city treasurer at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the department of public health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.08.020D, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the city.

G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.
(Ord. 530 Art. III, 1964)

13.08.040 Building sewers and connections.

A. 1. No person, firm, or corporation shall make any sewer connection to the sanitary system of the city without making application to the city for a permit. Likewise, no person, firm, or corporation shall remodel any existing building or other structure then connected to the sanitary sewer system where sewer outlets are moved, or additional outlets are added, without making application and securing a permit therefor.

2. Applications for sewer connection permits shall be made in writing in a form prescribed by the city, shall give the location of the property, the number of the buildings to be connected, the name of the owner, the name of the person or firm engaged to make the sewer connection, and such other information or plans as may be required by the city.

3. If the application for a permit is approved by the city, the city shall issue a permit which shall specify the location of the property, the type of connection, and the nature of the work contemplated, and such other information as the city deems necessary. This permit shall be posted in a conspicuous place upon the property designated thereon, and shall remain so posted until the satisfactory completion of the work and its approval by the city's superintendent.

B. Building sewer permits for residential, commercial, and industrial uses shall be subject to permit application requirements and payment of permit fees, inspection fees, and from time to time set by the council by ordinance or resolution, or set pursuant to agreement with the city and Unified Sewerage Agency of Washington County.

C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

F. The building sewer shall be cast iron soil pipe, ASTM specification A74-42 or equal; vitrified clay sewer pipe, ASTM specification C13-44T or equal; or other suitable material approved by the superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that

nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the superintendent.

G. The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches for residential service and six inches for other uses. The slope of such four-inch pipe shall be not less than one-quarter inch per foot and the slope of such six-inch pipe shall be not less than one-eighth inch per foot.

H. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

I. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification C12-19, except that no backfill shall be placed until the work has been inspected.

K. All joints and connections shall be made gastight and watertight.

Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the joining material until after the joint has been tested and approved.

All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured joining material or cement mortar as specified below.

Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160) degrees Fahrenheit nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute hemp or similar approved material.

Cement joints shall be made by packing a closely twisted jute or oakum gasket, of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of one part Portland cement and three parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or re-tempered. Lime putty or hydrated lime may be substituted to the extent of not more than twenty-five (25) percent of the volume of the Portland cement that may be added.

Other jointing materials and methods may be used only by approval of the superintendent.

L. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at his or her expense, install a "Y" branch in the public sewer at the location specified by the superintendent. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

M. Owners required to connect to the city sewers pursuant to this chapter or any other ordinance of the city shall, at the time of filing application for a permit for sewer connections as required under subsection B of this section, in addition to the sewer connection charges, as hereinafter prescribed, pay to the city a fee to cover the costs of inspection of the work proposed under such permit. The applicant for the connection permit shall thereafter promptly notify the city superintendent when the building sewer service line is ready for connection to the city's system; and the connection to the city's system shall be undertaken only under supervision of the city director of public works or the director's representative.

N. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

O. Before any person shall obtain a permit to perform any work within the city on any sewer line to be connected to the sanitary sewer system, the contractor or plumber employed by said applicant shall file with the recorder of the city a bond with good and sufficient sureties in the amount of one thousand dollars ($1,000.00); conditioned that said contractor and plumber will fully comply with the ordinances in making connections to the city sewer system and will immediately remove all surplus sand, earth, rubbish, and other material; and will immediately replace in a condition satisfactory to the superintendent the portion of street so disturbed, dug up, or undermined; and that he or she will keep such portion of the street in good repair at his or her own expense for the period of one year from date of completion of such work. Contractors and plumbers may file a yearly bond, as determined by the city council, in place of a separate bond for each job. Any person, firm, or company which fails to provide such a bond, as by this chapter required, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding two hundred dollars ($200.00).

P. Every sewer connection permit issued after the effective date of the ordinance codified in this chapter shall be valid for ninety (90) days from the date the permit is issued. If the connection is not made within the ninety (90) day period, the permit shall expire and be of no further effect. The connection fee paid for an expired permit shall not be refundable and shall not constitute a credit on any reapplication for a connection permit which may thereafter be made.
(Ord. 98-1040 §§ 1, 2; Ord. 91-927 § 19(1)(C); Ord. 596, 1970; Ord. 567, 1967; Ord. 530 Art. IV, 1964)

13.08.050 Use of the public sewers.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;

2. Any water or waste which may contain more than one hundred sixty (160) parts per million by weight of fat, oil or grease;

3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

4. Any garbage that has not been properly shredded;

5. Any ashes, cinders, sand, fruit seeds, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

6. Any waters or wastes having a pH lower than 6.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

9. Any noxious or malodorous gas or substance capable of creating a public nuisance;

10. Any waters or wastes containing the specific materials listed as follows:

    a. Total sulfides in excess of 5.0 parts per million or 3.4 pounds per day,

    b. Total chromium in excess of 2.0 parts per million or 1.4 pounds per day,

c. Hexavalent chromium in excess of 0.05 parts per million or 0.034 pounds per day,

d. Lime in excess of one thousand (1,000) parts per million (as $Ca\ CO_3$) or six hundred seventy (670) pounds per day,

e. Chlorides in excess of eight hundred (800) parts per million or five hundred thirty-five (535) pounds per day.

D. Grease, oil and sand interceptors shall be provided when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

E. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

F. 1. The admission into the public sewers of any waters or wastes having:

a. A five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or

b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids; or

c. Containing any quantity of substances having the characteristics described in subsection C of this section; or

d. Having an average daily flow greater than two percent of the average daily sewage flow of the city; shall be subject to the review and approval of the superintendent.

2. Where necessary in the opinion of the superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

a. Reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight; or

b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection C of this section; or

c. Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the state sanitary authority of the state, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

G. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

H. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in subsections C and F of this section shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection H of this section, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.
(Ord. 530 Art. V, 1964)

13.08.060 Protection from damage.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Ord. 530 Art. VI, 1964)

13.08.070 Powers and authority of inspectors.

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.
(Ord. 530 Art. VII, 1964)

13.08.080 Violation--Penalty.

A. Any person found to be violating any provision of this chapter except Section 13.08.060 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice,

permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a civil infraction and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars ($100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage oc-casioned the city by reason of such violation.
(Ord. 98-1040 § 3; Ord. 530 Art. VIII, 1964)

Chapter 13.09

SANITARY SEWER INTERCEPTORS

Sections:
13.09.010 Prohibited discharges.
13.09.020 Installation, use, maintenance and definition.
13.09.030 Interceptor approval.
13.09.040 New and existing connections.
13.09.050 Infractions.
13.09.060 Requirements.
13.09.070 Violations.

13.09.010 Prohibited discharges.

No business owner shall discharge or cause to be discharged into the sewer system.

A. Any water or waste containing fats, wax, grease or oils whether emulsified or not and whether containing vegetable or petroleum products or substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) Celsius); and

B. Any flammable wastes, sand, soil, conglomerate or other harmful ingredients that are not readily dissolved by water.
(Ord. 08-004 § 1 (part))

13.09.020 Installation, use, maintenance and definition.

Every business owner who discharges water or waste containing fats, wax, grease or oils must install, use, maintain and keep in good working condition an interceptor. As used in this subchapter, "interceptor" means a device designed and installed so as to adjust, separate and retain deleterious, hazardous, or undesirable matter from sewage and to permit normal sewage or liquid wastes to discharge into the disposal terminal.
(Ord. 08-004 § 1 (part))

13.09.030 Interceptor approval.

All interceptors must be of a type and capacity approved by the city manager in accordance with

standards established by the city and must be installed in a location that is readily and easily accessible for cleaning and inspection.
(Ord. 08-004 § 1 (part))

13.09.040 New and existing connections.

When a new service is connected to the city sanitary sewer system it must install a city approved interceptor. For existing city sanitary sewer system connections, a city approved interceptor must be installed within ninety (90) calendar days of written notice from the city. For good cause the city may extend the period beyond ninety (90) days solely within its discretion. Owners must maintain all installed interceptors at their own expense for continuously efficient operation.
(Ord. 08-004 § 1 (part))

13.09.050 Infractions.

Failure to install or maintain an approved interceptor is an infraction. Any direct costs incurred by the city due to an illegal discharge will be billed to the owner or user. These remedies are in addition to any other legal, equitable or administrative remedies that may be available.
(Ord. 08-004 § 1 (part))

13.09.060 Requirements.

The requirements of this chapter are in addition to all other requirements of federal, Oregon and local laws.
(Ord. 08-004 § 1 (part))

13.09.070 Violations.

Any violation of this chapter may be deemed a public nuisance and may be abated by any of the procedures set forth in this code.
(Ord. 08-004 § 1 (part))

Chapter 13.10

WATER SERVICE REGULATIONS

Sections:

13.10.005 Definitions.
13.10.010 Use of water.
13.10.015 Application for service.
13.10.020 Access to premises.
13.10.025 Meter reading and billing.
13.10.030. Payments for services.
13.10.035. Adjustments.
13.10.040. Termination of water service.
13.10.045. Maintenance, repair and testing meters.
13.10.050. Interruption in service.
13.10.055. Customers service lines and maintenance.
13.10.060. Connections.
13.10.065. Fire protection service connections.

13.10.070. Temporary service.
13.10.075. Main extensions.
13.10.080. Fire hydrants/bulk water.
13.10.085. Cross-connections.
13.10.090. Responsibility for damage or injuries.
13.10.095. Violation--Civil penalty; other relief.
13.10.100. Prohibited acts.
13.10.105. Authority of city manager.

13.10.005 Definitions.

Unless the context requires otherwise, when used in this chapter the following terms and phrases shall mean as set forth below:

A. Applicant. A person, or other legal entity (or agent thereof) applying for water service.

B. Base charge. The charge for water service that is in addition to the consumption charge.

C. City. The City of Sherwood

D. City system. Consists of the source facilities and distribution system including all facilities of the water system under the control of the city including meters and service connections.

E. Council. The Sherwood City Council .

F. Customer. A person or other legal entity receiving water service from the city system.

G. Customer line. The pipe, valves and facilities leading from the outlet of the meter into the premises or property being served.

H. Consumption charge. The charge placed on every hundred gallons (or fraction thereof) of water delivered.

I. Cross-connection. Any actual or potential unprotected connection or structural arrangement between the city's or customer's potable water system and any other source or system through which it is possible to introduce into any part of the city system any used or non-potable water, industrial fluid, gas, or substance(s) other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

J. Fee schedule. Rates, charges, and regulations set forth and amended in the City of Sherwood master fees and charges schedule as the same is adopted annually by the council.

K. Mains. Distribution pipelines located in public or private rights-of-way used to supply potable water.

L. Premises. Includes real property and the improvements located thereon.

M. Private waterline. A waterline located on private property owned by the property owner. Ownership begins at the outlet end of the service connection.

N. Public works director or director. The person designated by the city manager to the functions described or his/her designee.

O. Service connection. The pipe, valves and other facilities used to supply potable water from the main through the meter not including private piping beyond the meter.

P. Temporary service. Service not intended to be permanent (such as construction sites) with expected duration(s) of six (6) months or less.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.010 Use of water.

A. The city will furnish water for domestic, household, commercial, industrial and community uses as well as for fire protection purposes as the system may reasonably supply.

B. The city may enter into contract(s) to allow for sale use and/or trade of water to other public or private water providers provided any such contracts be first approved by the city council.

C. In the event the public works director determines conditions exist requiring restrictions or prohibitions on the use of water, the director may establish, after conferring with the city manager, a schedule of use restrictions and prohibitions consistent with the requirements of SMC Chapter 13.20.

D. Customers will be responsible for all water lost beyond the service connection.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.015 Application for service.

A. Application. The director shall require written application for water service on forms provided by the city.

B. Deposit. The director may require an applicant provide a deposit for the receipt of water service at the time of application/re-application for said service. No interest shall be earned by any deposit and the amount thereof will be calculated so as to ensure that all city costs associated with the provision of water to the applicant by the city will be covered.

C. Refund of Deposits. Deposits will be refunded to a customer in the event all amounts due the city from that customer for any city charge (water service related or otherwise) have been fully paid.

D. New Account Fees. There will be separate charge imposed and collected for the creation and activation of any new account. By applying for city water service, an applicant/customer agrees to be bound by all rules, regulations and municipal code provisions concerning provision of water service to their property or premises.

E. The city may refuse service to a premises or property where the owner or occupant thereof has previously failed to pay duly imposed charges for city water or other services until such time as the city is provided adequate financial security (in a form approved by the city's finance director) by the owner or occupant that said delinquencies will be paid.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.020 Access to premises.

By requesting and receiving water service from the city, every user grants the city, its authorized agents and employees the right and ability at all reasonable times to enter onto the customer's premises to determine compliance with the city's rules and regulations concerning delivery and receipt of water service.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.025 Meter reading and billing.

A. Meter Readings. Meters shall be read at regular intervals determined by the city.

B. Access. The customer will ensure safe and efficient access to the meter and shutoff valve at all times.

1. Whenever it is necessary to enter a building to read or work on a meter, a safe passageway, free and clear of obstruction, must be maintained by the occupant of the premises from the building/property entrance to the meter.

2. By connecting to the city system, the customer consents to the right of the city's authorized employees and agents to remove any obstruction(s) as necessary to maintain access to the meter.

3. Customers are required to maintain a minimum of a two-foot area surrounding the meter box free of vegetation or other obstruction. Clear access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in city personnel clearing the area to meet the city's meter reading and maintenance needs. The customer will be charged any related expenses incurred by the city in clearing the area. The city will have no liability for trimming or maintaining vegetation in order for reading of meters and maintenance needs.

C. Estimated Meter Read. If it is determined by the city that a meter fails to register accurately or the city determines that it is unable to read a meter, the current billing may be calculated in accordance with written policies developed by the director. Failure to read the water meter does not relieve a customer from its obligation to pay for actual or estimated water use.

D. Customer Re-Read. A customer may request their meter be re-read if there is a reasonable basis to conclude their bill is in error.

E. Prorated Charges. Accounts will have the base and consumption charges prorated through the day that service is terminated (for closing accounts) or on the day that service started (for new accounts).
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.030. Payments for services.

A. Place of Payment. All payments shall be made to the city at the place designated on the most recent utility bill.

B. Bill Payment. Bills for use of water services and property of the city shall be due, payable, and delinquent in accordance with the fee schedule.

C. Delinquent Accounts. The city may turn off water supply to the premises or property being served for which payment is delinquent after the owner(s) and/or occupant(s) (if different) is given the chance to challenge the validity of delinquency and/or the amount thereof before the city manager consistent with the process set out in Section 13.10.040.D.

In the event service is terminated, it will be restored after terms of payment are arranged satisfactory to the city.

D. Billings of Separate Meters Not Combined. Each meter on a customer's premises will be considered separate and the readings of two (2) or more meters will not be combined.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.035. Adjustments.

A. The city may make appropriate adjustments, back-bill, apply credits or waive fees and charges one time per year per meter.

1. Overcharge Adjustment. When the city determines a customer has been over-charged for services, the city will apply a credit to the account based on the date the error first occurred or the date the customer became responsible for the bill or a period not to exceed one (1) year whichever is less.

2. Undercharge Adjustment. When the city determines a customer has been under-charged for services, the city will bill the customer based on the date the error first occurred, the date the customer became responsible for the account or a period not to exceed one (1) year, whichever is less. If the date cannot be easily determined, the city will estimate the bill for a period not to exceed one (1) year. Customers receiving a billing adjustment will be offered the chance to make arrangements for payment.

B. Adjustment for Water Loss. If it is determined water loss occurred on the customer's side of the meter and the cause for said loss has been repaired, the city manager may adjust up to fifty (50) percent of excess water use. The billing or billings to the user shall be adjusted in an amount based upon the water rates in effect for the loss period multiplied by the adjustment allowance. The amount, if any, shall be credited to the user's account after repairs have been completed. During the loss period, the peaking charges for consumption are excused. Request for adjustments will only be received from the customer when submitted on a city approved form. Request shall be made within ninety (90) days of the date of the first billing indicating the excess use. Adjustments are not available when the excess use is apparently due to a failure to repair any water leak.

C. Non-registering meters. The customer will be charged for water consumed while the meter is not registering. The bill will be based on an estimate of consumption using either the premises' prior use during the same season of the prior year or a comparison with the use of other similarly situated customers receiving the same class of service during a similar period and under similar circumstances and conditions.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.040. Termination of water service.

A. Customer Request.

1. Customers may have service discontinued by notifying the city during normal business hours and providing at least forty-eight (48) hours notice of the desired weekday date of discontinuance. Customers requesting discontinuance will be required to pay all charges through the date of said discontinuance.

2. If notice described in subsection (1) above is not given the city, the customer will be required to pay for all charges through the date the city determined the premises has been vacated or the service otherwise discontinued.

B. City-Initiated Termination. Water service may be terminated under any or all of the following circumstances:

1. If the utility bill is not timely paid.

2. If a deposit required is not fully paid within seventy-two (72) hours of the customer's application for service.

3. If a customer fails to comply with any city system rule or regulation.

4. If the city is notified of a leak on the customer side from someone other than the owner and the leak could or is causing damage to either the property or other properties.

5. Failure to allow access to the premises for determining compliance with city rules and regulations concerning water service.

6. If service to the premises is turned on without first obtaining city approval therefor.

7. If an owner and/or (if different) occupant's account has become delinquent and/or the occupant vacates the premises without payment and any deposit held by the city for the property or premises does not cover the delinquency.

8. Failure to comply with the cross-connection backflow program set out in SMC 13.05.

C. Notice of the city's intent to terminate service will be sufficient if given by either:

1. First Class Mail sent to the customer's address as shown in the city records. Notice shall be

deemed delivered upon deposit.

2. Hand delivery of a notice to the service premises. This notice shall be deemed complete when delivered.

D. Right to Challenge Service Termination.

1. Except in those cases where the public works director or their designate determines a situation positing a threat to the city's system or the public health, safety and welfare exists such that pre-termination notice cannot be given without jeopardizing the same, a customer and/or occupant (if different) shall be given written notice by the city of their right(s) to challenge the proposed termination not less than fifteen (15) days prior to the date scheduled thereto. If the owner and/or occupant elect to challenge the proposed termination, the challenge shall be in writing and set out in brief the base(s) therefor and sent or delivered to the place of payment not later than five (5) days prior to the proposed termination date. No termination of service shall occur during the pendency of any challenge.

2. The city manager will conduct an informal hearing on the matter and after consideration of the material presented by the owner and/or occupant as well as material from the city, the city manager will decide whether to authorize the termination, adjust the termination or deny it. The city manager's decision will be final.

E. Liability. The city is not liable nor responsible for any consequential or other damage(s) to person(s) or property resulting from its decision or the decision(s) of its employees or agents to terminate water service to any person(s), property(ies) or premises that is done consistent with or pursuant to this chapter.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.045. Maintenance, repair and testing meters.

A. Customer Request. A customer may request the city test the water meter serving that customer's property or premises by making application for such testing to the director.

1. If the test shows that the water meter registers outside the American Water Works Association (AWWA) Standards, the meter shall be repaired or replaced at no cost to the customer.

2. If the test shows that the water meter registers within the AWWA Standards, the customer may be required to pay for the test.

3. A written report of the results of the test shall be made available to the customer.

B. City-Initiated Test. The city may temporarily interrupt service in order to test existing meters or make necessary repairs.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.050. Interruption in service.

The city shall not be liable for any actual or consequential damage(s) resulting from interruption(s) in service, shortages or insufficiency of supply. Temporary shutdowns of the system (or portions thereof) may be required for improvement(s) and repairs. Whenever reasonably possible and if time permits, city personnel shall notify any affected customers prior to the interruption of service .
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.055. Customers service lines and maintenance.

A. The customer is responsible for payment of costs associated with the installation of any service line(s) from the city's water meter to the customer's premises or property to be served.

B. The customer line(s) shall be installed consistent with the Oregon State Plumbing Specialty Code or other plumbing and/or specialty code(s) applicable to the particular installation.

C. No pump equipment shall be connected to a user service line without prior written approval from the public works director.

D. The customer shall be responsible for maintenance and repair of the customer's service line.

E. All leakage in the customer service line after the water meter shall be the sole responsibility and expense of the customer.

F. Leaks in the customer service line shall be repaired within fifteen (15) days of detection.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.060. Connections.

A. It is unlawful for any person, firm, or corporation to make any connection to the mains or any other portion of the city system without first obtaining a connection permit.

B. If the application for a connection permit is approved by the director, a permit will be issued. All service connection fees and charges shall be paid at the time the permit is issued consistent with the fee schedule.

C. Upon issuance of the permit, the city shall make (or have made) the necessary service connections to the city system.

D. Meter connection shall be sized using the fixture count method as described in the Oregon State Plumbing Specialty Code with a minimum size for any water meter being five-eighths/three-fourths inch.

E. A separate service connection is required for:

1. Each property under separate ownership;

2. For each single family dwelling;

3. Apartment; and /or

4. Places of business.

All outlying buildings and premises used in conjunction with said property, dwelling place of business or other institution may be served from said connection, as well as all buildings on said premises operating under one management.

F. In the case of a commercial or industrial property with multiple users on a single tax lot, additional service connections may be provided upon approval by the director; duplex units on a single tax lot may also qualify for multiple meters.

G. The city may permit master metering of more than one (1) water service. The owner shall designate the person who to be responsible for payment of all water charges and acceptance of service for all water-related notices. If any payment is not made in full when due, the city may terminate service even if partial payment is tendered by other occupants of the premises.

H. Connections shall be located at such points as the city shall determine appropriate.

I. Unless required by the city, removal or relocation of a service connection shall be at the expense of the customer. The customer shall bear responsibility for reconnection of the customer line.

J. All service connections shall be made consistent with city specifications relating to size, materials and methods of installation.

K. No customer shall extend a service line to furnish water to any residence, business or premises on the same or neighboring tax lot(s) than that those occupied by the customer without prior city approval. (Ord. No. 2009-007, § 1, 6-16-2009)

13.10.065. Fire protection service connections.

A. Standby fire protection service connection from a fire service line shall be installed in accordance with applicable regulations and only if adequate provisions are made to prevent the use of water from such service for purposes other than fire extinguishing or testing of fire protection system.

B. As determined by the city, the customer shall pay the cost of installing the fire protection service connection, including (but not limited to) required backflow prevention assemblies, special water meters or other devices installed solely for service to a fire service connection.

C. No consumption charge will be made for water used in extinguishing fires.

D. Standby charges for automatic fire service will be established in the fee schedule .

E. Users requesting fire protection service connections shall pay the cost of mains needed to supply the required flow.

F. If water is used from a standby connection service in violation of this code, an estimate of the amount used will be computed by the city. The user shall pay for the water used based on the estimated quantity thereof, including a minimum charge based on the size of the service connection. In the event a second unauthorized use occurs, a customer will be required to pay a system development charge will be assessed to the service at the then current rate.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.070. Temporary service.

A. The city may grant temporary water service during construction and for special events approved by the city.

B. Installation charge and deposits. The applicant must make a request for temporary service and pay associated fees established in the city's fee schedule.

C. The customer shall use all possible care to prevent any damage to the meter, including damage which arises from freezing temperatures or to any other city-loaned equipment. Duration shall include from the time the equipment is installed until the time the equipment is physically returned to city control. If the meter or other equipment is damaged, the cost of making repairs and all associated charges shall be borne by the contractor or applicant.

D. Time limit. Temporary connections shall be disconnected and terminated within six (6) months after installation unless the applicant request in writing an extension of time.
(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.075. Main extensions.

A. In general, all water line extensions shall extend the entire distance between opposite boundaries of the property to be served and shall be located within public right-of-way unless the city determines it necessary to construct water lines on public easements across private property. The city may elect to have installed a larger main than needed for the applicant's service requirements. When it does, the city will bear the additional cost of all piping, fittings, valves and other materials and equipment used.

B. The city may construct system improvements upon the request of, and at the expense of, the property owner or user. The costs and scheduling shall be determined by the city.

C. Construction of system improvements shall be by the city or a contractor approved by the public works director. Property owners using private funds for construction of water improvements shall select an engineer or contractor for the design of water system improvements that meet the city's requirements. The property owner or customer will be required to make advance payment for the estimated costs of plan review, administrative expenses, and other applicable fees related to the proposed project.

D. All water main extensions shall be constructed only by the city or by a waterworks contractor approved by the public works director and in accordance with the latest public works design standards adopted by the city.

E. The city shall approve all construction plans. The pipe, fittings, valves, hydrants and other materials for the construction of said extensions shall be of the size and quality, and located as the city specifies. No main extension shall be laid until the estimated costs have been deposited in an account and in a form approved by the city's finance director. Installations made by a waterworks contractor will be inspected and approved by the city to ensure compliance with plans and specifications. Back-filling of trenches prior to city approval is prohibited. Fire hydrants will be installed at locations designated by the city.

F. After acceptance by the city, the system improvements shall be the sole property of the city and maintained and operated by city personnel. If the system improvements are installed by a private owner, the property owner and their contractor shall be responsible for a warranty period of not less than two (2) years after the city's formal written acceptance for failure of either materials or workmanship in the improvements. (Ord. No. 2009-007, § 1, 6-16-2009)

13.10.080. Fire hydrants/bulk water.

A. Fire Hydrant.

1. Unauthorized use of a Fire Hydrant. No person or persons other than those authorized by the public works director, shall open any fire hydrant or attempt to draw water from it in any manner. Violation will result in consumption and penalty fees. Any future request will be denied until all applicable fees have been paid.

2. Damage of Fire Hydrants. No person or persons shall damage or tamper with any fire hydrant.

3. Authorized Use. In order to obtain water from a fire hydrant, the customer must contact the city and apply for a "bulk water" permit. The city will determine the hydrant(s) for the customer to utilize.

B. Bulk Water.

1. At the time the customer signs up for temporary water from a fire hydrant, the customer must supply the city with an estimate of the amount of water to be used, address and name of the persons responsible for the bill, and the time and date the water will be taken from the fire hydrant. A bill will be generated from metered readings after the service is used.

2. Charges for water furnished through a temporary service connection shall be established by council resolution.

3. Customer's requesting flow testing of fire hydrants shall pay the fee established by council.

4. Fire hydrants placed on private property are to be used only for fire emergencies or other uses authorized by the city.

5. The city will designate hydrant paint colors of public hydrants. No change in hydrant color is allowed unless specifically authorized by the city.

6. Eighteen (18) inches shall be maintained between the ground and the center of the lowest hydrant discharge port. No change in grade (ground elevation) is allowed without approval of the city.

7. A three-foot clear space shall be maintained around the circumference of hydrants. Access from the street to the hydrant shall be kept clear. Customer shall be responsible for pruning or removing landscaping or other obstructions that restrict access to the fire hydrant. Upon notice from the city, the owner or customer shall remove such obstruction or correct non-compliance within fourteen (14) days. If the obstruction or noncompliance is not timely corrected the city may at any time thereafter take such steps to correct the problem and bill the customer.

(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.085. Cross-connections.

No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by SMC Chapter 13.05. If such violation becomes known, the city shall deny or immediately discontinue service to the premises by providing for physical disconnection of the service lines until the customer has corrected the condition(s).

(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.090. Responsibility for damage or injuries.

A. The customer shall be liable for any damage or injury resulting from the customer's failure to properly construct, maintain, repair, or correct conditions in the customer's line.

B. The customer shall be liable for any damage to the city system caused by an act of the customer, tenants, agents, employees, contractors, licensees, or permittees. Damage to the city system shall include but is not limited to breaking seals and locks, tampering with meters or meter boxes, including but not limited to damage by heat, hot water or steam, cross-connections, traffic hazards, and damaged curb stops, meter stops, and other service appurtenances. The customer responsibility for damage or tampering may also be fined and/or have service terminated.

C. No modification or alterations to the meter assembly shall be made. The customer shall be responsible for any damage to meters or meter boxes due to the unlawful modification or alternation of the district's installation.

(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.095. Violation--Civil penalty; other relief.

Any person violating any of the provisions of this chapter shall be subject to a civil penalty of one thousand dollars ($1,000.00) for each violation. Every day a violation exists shall be considered a separate violation. In addition to the foregoing civil penalties, the city may seek in a court of competent jurisdiction such other and additional relief (including all legal and equitable relief and remedies) as well as recovery if its attorneys fees.

(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.100. Prohibited acts.

It is unlawful for any person, firm, or corporation not authorized by the city to do, commit or assist in committing any of the following things or acts in the city:

A. To open or close any fire hydrant, service connection or lift/remove the cover of any gate valve or shutoff;

B. To interfere with, destroy, deface, impair, injure, force open any gate, door, or any property appertaining to the water works system;

C. To resort to any fraudulent device or arrangement for the purpose of procuring water for customer or others from private connections on premises contrary to the city regulations or ordinances;

D. To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, valve, or other apparatus pertaining to the water works system, or to turn on or off the water in any street, hydrant or other public water fixture;

E. To make or permit to be made any connection with the main or service pipes of the water works system, or to turn on or use the water of said system without first obtaining a permit;

F. To cover or conceal from view any water valve box, service, or meter box;

G. To remove any water meter that has been placed by the city, or to change, interfere with or tamper with any meter;

H. No structures shall be constructed over or within ten (10) feet of mains or service lines;

I. Unless authorized by the utility, no person shall operate any portion of the city water system or operate a system within the city using city water providing water service to users or consumers.

(Ord. No. 2009-007, § 1, 6-16-2009)

13.10.105. Authority of city manager.

Unless otherwise stated herein, the city manager or designate shall have the exclusive authority to make any discretionary determination allowed by this chapter, including determinations as to approvals, determinations, authorizations, judgments, requirements, options, and impacts upon the water system and/or customers thereof.

(Ord. No. 2009-007, § 1, 6-16-2009)

Chapter 13.12

SEWER SERVICE RATES AND CHARGES

Sections:

13.12.010 Sewer facility charges.

13.12.010 Sewer facility charges.

A. The sewage disposal plant and system authorized and approved by the voters of this city at a special election held on August 12, 1949, and as approved and covered by Ordinance No. 401 adopting a new section to the City Charter No. 256A shall be and the same is established as a public utility to be owned and operated by the city for the use and benefit of those institutions, establishments, and persons who may be served thereby.

B. The council may establish a schedule of fees, rates and other charges together with procedures for their imposition and collection for maintenance and operation of the sewer facilities and system of the city. The schedule shall be kept in the city recorder's office and available to the public for review. It may be altered, amended or modified from time to time by resolution of the city council.

C. The costs and expenses of operating the sewer and the sewage disposal plant and of paying interest and serial maturities on said bond issue shall be added to and included in the city budget each year, and tax of three and one-half mills shall be levied, paid and collected annually in the same manner as other taxes levied by the city and to be submitted to the voters each year to such extent as may be legally necessary. The proceeds of said special three and one-half mill tax shall be devoted entirely to the payment of interest and serial maturities on said bond issue and shall continue until said bond issue has been fully retired and paid off.

D. There is established and set up a special fund to be known and designated as the "sewage disposal plant fund" and all moneys derived from sewer revenue established as set forth above or from the special tax authorized as above set forth shall be paid into said fund, to be disbursed in the same manner as other city funds, but exclusively to pay for maintaining, operating, and repairing said sewage disposal plant and for the payment of interest and serial maturities on said bond issue. The moneys in said special fund shall not be used for general city purposes nor otherwise except in connection with said sewage disposal system as above set forth.

E. All of the net operating revenues derived from the said plant and system shall be utilized to pay interest charges and similar maturities on said bond issue. Said net operating revenues are established and defined as the gross operating revenues received from services as provided in subsection B of this section, less operating and maintenance costs and the cost of repairs.
(Ord. 05-005 § 1; Ord. 553, 1967; Ord. 403 §§ 1--5, 1950)

13.12.020 Delinquent sewer service charges.

A. All charges levied for sewer service within the city shall be promptly paid as and when due, and if not so paid within thirty (30) days of due date, same shall be considered as delinquent, whereupon on and after such date such charges together with a penalty equal to ten percent thereof shall be a charge upon any and all the real property to which said sewer service was rendered or delivered and unpaid.

B. Promptly upon said charges together with prescribed penalty becoming such charge upon the premises so served as provided in subsection A of this section, the city recorder shall enter in the docket of city liens the amount thereof and said penalty together with:

1. The number or letter of the lot against which said charge appertains and the block thereof in which it is situated, or a particular description of the tract or plot involved;

2. The name of the owner thereof, or that the owner is unknown;

3. The date of the entry thereof; provided, however, that a failure to enter the name of the owner thereof or a mistake in the name of such owner in such entry, or the name of other than the true owner, shall not invalidate such charge or in any other way affect the lien of the city on the property described in such entry in the lien docket.

C. From and after the date of entry of such charge in the docket of city liens upon a lot, or part thereof, or a tract or parcel of land within said city, the amount so entered shall bear interest at the rate of eight percent per annum until paid, and the total principal sum and interest is declared to be a tax levied and a lien upon such lot, or part thereof, or tract or parcel of land, which lien and tax shall continue in force and effect until paid or enforced and shall have priority over all other liens and encumbrances thereon, and subject to any bonded assessments for streets or other public improvements.

D. All charges thus docketed may be enforced by the methods in the alternative: the amount or amounts thereof, together with such penalties and interest as provided by this chapter may be recovered by an action at law, or may be certified by the city recorder on July 1st of each year to the tax assessor of Washington County and by him or her be assessed against premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, assessed, collected and paid over (pursuant to Section 95-1809, O.C.L.A.).
(Ord. 407 §§ 1--4, 1951)

Chapter 13.16

UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

Sections:
13.16.010 Definitions.
13.16.020 Operating procedures and relationships.
13.16.030 Ownership and responsibilities.
13.16.040 Administration, operation and maintenance of sewerage facilities.
13.16.050 Other provisions.
13.16.060 Dispute resolution-- Remedies.
13.16.070 Effect of this chapter.

13.16.010 Definitions.

Wherever the following terms are used in this chapter they shall have the following meaning unless otherwise specifically indicated by the context in which they appear:

"Board" means the board of directors of the agency, its governing body.

"Connection charge" means the amount charged for connection to the sanitary or storm and surface water system.

"Council" means the city council, governing body of the city.

"Dwelling unit (DU)" means a separate living unit with kitchen facilities including those in multiple dwellings, apartments, mobile homes and trailers. For nonresidential properties, a DU or dwelling unit equivalent (DUE) shall be determined by agency ordinance, and agency resolutions adopted thereunder.

"Equivalent service unit (ESU)" means the unit of impervious surface area which generates the storm and surface water runoff equal to a single family residential property, as determined by agency ordinance, and agency resolutions adopted thereunder.

"Impervious surface area" means and includes all areas that have been altered from their natural state such that they do not allow the infiltration and retention equivalent to that of undisturbed soil. This shall include, but is not limited to pavement, buildings, decks, parking areas, and compacted gravel areas.

"Industrial waste" means any liquid, gaseous, radioactive or solid waste substance or a combination thereof resulting from any process of industrial or manufacturing business, or from the development or recovery of natural resources. For the purposes of this chapter, industrial waste shall also include any substance regulated under 33 USC Section 1317, together with regulations adopted thereunder.

"Operation and maintenance" means the regular performance of work required to assure continued functioning of the storm and surface water system and the sanitary sewerage system and corrective measures taken to repair facilities to keep them in operating condition.

"Order" means resolutions, orders and directives of the agency prescribing general standards and conditions for construction or use of the storm and surface water facilities and the sanitary sewerage facilities, and rates and charges therefor.

"Permit application and inspection fee" means fees charged an applicant for permits and related inspections for connections to the storm and surface water system and the sanitary sewerage system.

"Person" means the state of Oregon, any individual, public or private corporation, political subdivision, governmental agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity whatsoever.

"Sanitary sewerage system" means any combination of sewer treatment plant, pumping, or lift facilities, sewer pipe, force mains, laterals, manholes, side sewers, laboratory facilities and equipment, and any other facilities for the collection, conveyance, treatment and disposal of sanitary sewage comprising the total publicly-owned sanitary sewerage system within agency jurisdiction, to which storm, surface and ground waters are not intentionally admitted.

"Sanitary sewer service charge" means a regular charge to a property owner or occupant of designated premises for the use of the sanitary sewerage system.

"Sewage treatment facility" means any facility designed for the purpose of the appropriate treating, holding, disposal, and discharge or reuse of sanitary sewage, including byproducts of such treatment processes.

"Sewage collection system" means any system of pipes, and pumping facilities designed for the collection of sanitary sewage for the purpose of transporting such material to a sewage treatment facility.

"Standards" means the standards and conditions of use of the storm and surface water system and the sanitary sewer system as specified and adopted by the agency. Standards also shall mean applicable statutes and rules of the United States and the state of Oregon.

"Storm and surface water service charge" means a regular charge to a property owner or occupant of designated premises for the contribution of runoff or pollution, (as defined in ORS 468.700), or both to the storm and surface water system.

"Storm and surface water system" means any combination of publicly owned storm and surface water quality treatment facilities, pumping, or lift facilities, storm drain pipes and culverts, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, grates and covers, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water comprising the total publicly owned storm and surface water system within agency jurisdiction, to which sanitary sewage flows are not intentionally admitted.

"Storm and surface water system development fee" means a charge for construction or other activity that causes or is likely to cause, an increase from the natural state of storm water runoff quantity or pollution, (as defined in ORS 468.700), or both, to the storm and surface water system. Such fee is for capital improvements associated with such construction or other activity, and may be a reimbursement fee or a fee for improvements to be constructed.
(Ord. 98-908 § 1)

13.16.020 Operating procedures and relationships.

The city agrees to:

A. Follow and enforce the orders promulgated by the agency, and to notify the agency of apparent violations thereof which may require agency legal action. The agency, in cooperation with the cities and the committee formed in Section 13.16.050C of this chapter, shall adopt policies, standards, specifications, and performance criteria necessary for the proper and effective operation of the agency and to comply with state and federal permits, laws and regulations.

B. Refer persons who may require an industrial waste discharge permit to the agency. City shall not issue any sanitary sewer permit to nonresidential customers without verification that the agency has issued an industrial waste permit, or the agency has determined that none is required.

C. Provide notice to and obtain agency review and approval of plans and specifications as the agency may require for any addition, modification or reconstruction (other than repairs) of the publicly-owned sanitary sewerage system prior to undertaking work thereon.

D. Provide notice to and obtain agency review and approval of plans and specifications as the agency may require prior to allowing any addition or construction (other than repairs) of the publicly-owned storm and surface water system to insure conformance to adopted agency

standards, orders, and master plans.

E. Obtain agency review and approval prior to entering into any agreement for the use of the storm and surface water system or the sanitary sewerage system, other than for issuance of connection permits.

F. Inform the agency in writing not less than thirty (30) days prior to initiating or entering into any agreement for the financing or incurring of indebtedness relating to the storm and surface water system or the sanitary sewerage system. City shall not obligate any agency revenues of the sewer fund or storm and surface water fund, nor shall facilities of the sanitary or storm and surface water system be obligated for any debt.

G. Establish in its record a separate account for the storm and surface water program and one for the sanitary sewerage program for the purpose of accounting for connection and user fees collected and received by the city pursuant to this agreement.

H. Allow the agency access at any reasonable time upon reasonable notice to inspect and test storm and surface water facilities and sewerage facilities within the city.

I. Grant the agency permits from time to time as may be necessary for the installation of storm and surface water facilities and sewerage facilities in the public streets and ways of the city without imposing permit issuance fees, provided that the agency shall adhere to any conditions required pursuant to ORS 451.550(6).

J. Take such curative or remedial action as and when necessary to maintain that portion of the publicly-owned sanitary sewerage system under the jurisdiction of the city in accordance with prescribed agency standards, subject, however, to budgetary limitations and to the extent that the city may be lawfully authorized to act.

K. Follow and accomplish the work program developed by the agency for the storm and surface water program for that portion of the publicly-owned storm and surface water system under the jurisdiction of the city as defined in Section 13.16.030A of this chapter in accordance with prescribed agency standards, subject, however, to budgetary limitations and to the extent that the city may be lawfully authorized to act.

L. To issue no new permit for the construction within, or modification to a wetland, floodway, or floodplain without first receiving the written approval by the agency to do so. This paragraph shall not apply to permits issued by city pursuant to a current permit under 33 USC Section 1344(e), (a Section 404 general permit), and within the scope of such permit.

M. To pursue when city deems feasible and appropriate the conversion of storm and surface water facilities from private to public ownership, through the acquisition of easements and other property rights as necessary, for those privately owned storm and surface water facilities which are identified as being necessary or appropriately a part of the public system.

(Ord. 98-908 § 2)

13.16.030 Ownership and responsibilities.

A. The city shall be responsible for the installation, construction, operation, maintenance, repair, replacement, and financing; processing of nonindustrial and erosion control permit applications; inspection of connections; billing, collection, accounting and recording connection fees, inspection fees, and monthly service charges; within its corporate limits and within the purview of this chapter for the following facilities and functions:

1. Sanitary sewer lines and facilities having a diameter of less than twenty-four (24) inches, unless otherwise agreed to by the agency and city.

2. Storm and surface water facilities within the city, and the portions of the total work program, to be the responsibility of the city are identified and described in the program summary and map, incorporated in the ordinance codified in this chapter as Exhibit A. This program summary and map may be modified from time to time by mutual written agreement of the city and agency.

B. The agency shall be responsible for the installation, construction, operation, maintenance, repair, replacement, and the financing thereof, of all publicly owned storm and surface water facilities, and sanitary sewerage facilities within the city not identified in subsection A of this section. In addition, the agency shall have exclusive jurisdiction over industrial waste discharges with regard to permits, service fees, billings, collection, regulations and enforcement. Upon receipt of any application for an industrial waste discharge permit within a city territory, the agency shall so inform city and shall coordinate with any other applicable development or construction permits of city.

C. The city previously transferred to agency certain real and personal property of the sanitary sewerage system. The city transfers, assigns and sets over to the agency all of the city's ownership interests in and to the storm and surface water facilities of the city listed in the ordinance codified in this chapter in Exhibit A and described in subsection B of this section, as being the responsibility of the agency. City further transfers to agency all easements, rights-of-way and permits held by the city with respect to the foregoing but subject to the terms and provisions thereof, to all of which the agency shall be bound and conform and shall save, hold harmless and indemnify the city from any failure to conform thereof, to the extent allowed by law. City and agency shall execute all documents necessary to transfer title to any real property interests by December 31, 1990.

With respect to all transfers of fee title to real property, each party shall have the right, at its expense, to perform an environmental assessment prior to accepting title to property. Any terms and conditions prescribing cleanup of the property shall be subject to negotiation of the parties and included in the instrument of transfer of the property. Agency agrees that all of its right, title and interest in any and all facilities transferred to it by city under this subsection shall revert to city no later than six months after agency discontinues operation or use of such facility and agency agrees to execute any and all documents necessary to effect such conveyance.

D. The city excepts and reserves to itself all interests in real property not expressly to be transferred by this agreement, including all such property utilized in connection with treatment facilities; provided, however, that the city does grant to the agency consent for the nonexclusive use of such lands as may be necessary to enable the agency to own, operate and maintain such facilities.

E. Agency will not establish local assessment districts within the city, without first obtaining city approval.

F. Agency will process applications from city pursuant to Section 13.16.020L of this chapter for wetland, floodplain, and floodway modifications. Upon review and approval by the agency, and upon request by city, the agency shall act as a facilitator and liaison for state and federal review and permit processes. (Ord. 98-908 § 3)

13.16.040 Administration, operation and maintenance of sewerage facilities.

City and agency agree that:

A. City and agency agree to divide revenues collected pursuant to this agreement as follows:

1. To remit payments on a monthly basis, with a report on agency-designated forms.

2. Payments shall be due upon thirty (30) days of receipt of the revenue by the billing party, unless the payment has been appealed by the billing party. If the payment has been appealed by the billing party under the dispute resolution process of Section 13.16.060 of this chapter, the amount in dispute may be withheld or paid without prejudice to either party.

3. The agency board shall determine and certify annually for the sanitary sewerage program, and for the storm and surface water program, the portion of the monthly service charge, and the portion of the connection charge allocated for each of the following:

a. Retirement of revenue bonds;

b. The portion required for the city system as defined in Section 13.16.030A of this chapter;

c. The portion required for the agency responsibilities.

4. City shall remit to the agency the portion of sanitary sewer service charges and connection fees collected, and storm and surface water service charges and connection fees collected, as identified in subsections (A)(3)(a) and (c) of this section, and shall retain the service charge and connection fee revenue identified in subsection (A)(3)(b) of this section.

5. City may charge and collect a service charge or connection fee at a higher rate per DUE and ESU than that set by the agency when the city determines it is needed for the local city system. The city shall retain one hundred (100) percent of these additional revenues collected. Such additional charge shall be consistent with applicable federal rules in order to preserve eligibility for grants and other funding programs.

6. For connection fees paid by "Bancroft" financing, the billing party shall remit the portion

of each payment collected, including interest on the Bancroft payment, as determined in subsection (A)(3) of this section.

7. For permit and inspection fees for private development construction of public storm and surface water facilities and sanitary sewer facilities, and for erosion control permit fees, the city shall remit to the agency a fee to compensate the agency for its costs for services performed relative to these fees, as prescribed by agency order.

8. For industrial waste fees, agency shall remit to city twenty (20) percent of connection, volume, and monthly service charges collected. Agency shall retain one hundred (100) percent of the annual permit fee, and any penalty fees, COD, SS and other fees that may be assessed.

B. City will institute administrative procedures within a reasonable time to diligently maintain regular billings and collection of fees, adjust complaints thereto, and pursue delinquency follow-ups and take reasonable steps for collection thereof.

C. Agency or city may at any reasonable time upon reasonable notice inspect and audit the books and records of the other with respect to matters within the purview of this chapter. Additionally, the city and agency shall prepare and submit to each other a performance report of the storm and surface water functions, and the sanitary sewer functions for which each is responsible. The performance report shall be prepared every six months, and shall be provided to the other no later than September 1st and March 1st of each year. The performance report, for each function, shall address the performance in those areas necessary for permit compliance.

D. The city and the agency may each need extra help from time to time that might be supplied by the other. In such a case, either city or the agency in utilizing the services of an employee of the other shall pay the lending government the employee's salary rate plus direct salary overhead currently in effect for the time worked.

E. Interest shall accrue on late payments at a rate of three-quarters of one percent per month on the unpaid balance.

F. The city and agency may, each at its own cost, install permanent and temporary volume and quality monitoring stations to determine the effectiveness of city and agency programs.

G. The performance reports from each city will be reviewed by the committee established in Section 13.16.050C following the procedure defined in a separate agreement between the agency and member cities.

(Ord. 98-908 § 4)

13.16.050 Other provisions.

The city and the agency further agree that:

A. The agency will not extend sewer service to areas outside the city except with prior approval of

the city where such areas are included in the urban planning area agreement between the city and the appropriate county or counties.

B. The city and the agency will each obtain such insurance contracts as necessary to cover the liabilities of the city and the agency respectively for the risks and liabilities arising from activities and operations under this chapter. Each party hereto shall cause the other to be named as an additional insured on its policy or policies as to the obligations under the terms of this chapter. In the event that either party chooses to be self insured, that party shall maintain and furnish proof of separately identified and unencumbered reserves for the maximum liability allowed under state law.

C. Establish a committee made up of one representative from Washington County and one representative from each member city within the agency, which will meet quarterly, or more frequently if needed, to review, advise, and be heard by the agency on the standards, regulations and specifications, work programs, capital improvement programs, rates and charges, long range planning, and other matters covered by the agreements with the member cities.

D. At such time as the agency shall discontinue operation or use of any facilities on city-owned premises, the agency shall remove such equipment, facilities or fixtures therefrom within a period of six months after such discontinuance unless otherwise determined by the parties. The agency shall demolish or remove facilities, the sites thereof shall be left free and clear of all demolition waste and debris. Any environmental clean-up necessitated by agency operation shall be the sole responsibility of agency. In the event of cleanup involving acts of third parties, the cleanup costs therefor shall be subject to negotiation by the parties.

E. City and agency shall each be responsible for the negligent or wrongful acts of its officers, employees, agents, and volunteers, while performing work related to this chapter. Each party shall be solely responsible for defense, costs or payments arising from legal challenge alleging improper use by that party of funds derived from this chapter, or otherwise held by that party. Each party shall be responsible for any liability arising out of its ownership of real property and interests therein, activities governed by an NPDES permit or other air or water discharge permit issued by competent authority to that party, and any conduct of that party subject to direct regulation by state or federal authority.

F. Nothing in this chapter shall be construed as a limitation upon or delegation of the statutory and home rule powers of the city, nor as a delegation or limitation of the statutory powers of the agency. This chapter shall not limit any right or remedy available to city or agency against third parties arising from illegal acts of such third parties.

G. Where this chapter calls for review or approval of a fee or charge, agency shall perform such review in a timely manner, shall not unreasonably withhold approval, and shall provide its decision to the city in writing. If, within thirty (30) days of written request by city for approval by agency, the agency has failed to provide a written response, the request shall be deemed approved.

(Ord. 98-908 § 5)

13.16.060 Dispute resolution-- Remedies.

A. In the event of a dispute between the parties regarding their respective rights and obligations pursuant to this chapter, the parties shall first attempt to resolve the dispute by negotiation. If a dispute is not resolved by negotiation, the exclusive dispute resolution process to be utilized by the parties shall be as follows:

1. Step 1. Upon failure of those individuals designated by each party to negotiate on its behalf to reach an agreement or resolve a dispute, the nature of the dispute shall be rendered to writing and shall be presented to the city's chief executive officer and agency general manager, who shall meet and attempt to resolve the issue. If the issue in the dispute is resolved at this step, there shall be a written determination of such resolution, signed by the city's chief executive officer and agency general manager, which determination shall be binding on the parties. Resolution of an issue at this step requires concurrence of both parties' representatives.

2. Step 2. In the event a dispute cannot be resolved at Step 1, the matters remaining in dispute after Step 1 shall be reduced to writing and forwarded to the mayor and the chairman of the board of directors. Upon receipt of the written issue statement, the mayor and chairman shall meet and attempt to resolve the issue. If the issue is resolved at this step, a written determination of such resolution shall be signed by the mayor and chairman. Resolution of an issue at this step requires concurrence of both the mayor and the chairman.

3. Step 3. In the event a dispute cannot be resolved at Step 2, the parties shall submit the matter to mediation. The parties shall attempt to agree on a mediator. In the event they cannot agree, the parties shall request a list of five mediators from the American Arbitration Association, or such other entity or firm providing mediation services to which the parties may further agree. Unless the parties can mutually agree to a mediator from the list provided, each party shall strike a name in turn, until only one name remains. The order of striking names shall be determined by lot. Any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefor. If the issue is resolved at this step, a written determination of such resolution shall be signed by both parties. Resolution of an issue at this step requires concurrence of by both parties. In the event a dispute is not resolved by mediation, the aggrieved party may pursue any remedy available to it under applicable law.

B. Neither party may bring a legal action against the other party to interpret or enforce any term of this chapter in any court unless the party has first attempted to resolve the matter by means of the dispute resolution of subsection A of this section. This shall not apply to disputes arising from a cause other than interpretation or enforcement of this chapter.
(Ord. 98-908 § 6)

13.16.070 Effect of this chapter.

This chapter shall supersede all prior agreements and amendments between the parties with respect to sanitary sewerage and service, storm and surface water management; provided that, except as expressly modified herein, all rights, liabilities, and obligations of such prior agreements shall continue. This chapter shall be effective upon its execution by both parties hereto, and shall continue in effect for twenty (20) years from and after the date hereof. This chapter may be modified only by written amendment.

(Ord. 98-908 § 7)

Chapter 13.20

WATER USE RESTRICTIONS*

* **Editors Note:** Ord. No. 2009-007, § 3, adopted June 16, 2009, amended the Code by, in effect, repealing former Ch. 13.20, §§ 13.20.010--13.20.120, and adding a new Ch. 13.20. Former Ch. 13.20 pertained to similar subject, and derived from Ord. No. 99-1076.

Article I. Ongoing Water Conservation Program

13.20.010 Purpose.
13.20.020 Established.

Article II. Water Restrictions

13.20.030 Purpose.
13.20.040 Landscape restrictions.

Article III. Emergency Water Restrictions

13.20.050 Purpose.
13.20.060 Posting of announcement/contents/review.
13.20.070 Restrictions.
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13.20.090 Record of emergency declaration.
13.20.100 Major irrigators.
13.20.110 Other users.
13.20.120 Penalties.

Article I.

Ongoing Water Conservation Program

13.20.010 Purpose.

This article is designed to restrict nonessential water use and thereby protect the city's water resources without creating undue hardship for water users.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.020 Established.

A. The city hereby establishes a water conservation program to include the following ongoing provisions:

1. Landscape sprinkling for each landscaped area (e.g. sprinkler zone) shall be limited to twenty (20) minutes per day.

2. No landscape watering shall be allowed between ten a.m. and five p.m.

Notwithstanding the foregoing, all watering with a hose held by hand and constantly monitored is exempt from the above restriction.

B. Exemptions may be granted by the public works director.
(Ord. No. 2009-007, § 3, 6-16-2009)

Article II.

Water Restrictions

13.20.030 Purpose.

This article is designed to restrict water use and thereby promote adequate water supply for fire flow and other essential requirements. This article includes the requirements of Article I of this chapter.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.040 Landscape restrictions.

A. The city manager shall, after consultation with the public works director, issue restrictions on landscape sprinkling such that it occurs on an alternate day bases (e.g. even-numbered addresses may water on even-numbered days and odd-numbered addresses on odd-numbered days) under the following conditions:

1. The public works director shall inform the city manager when water consumption exceeds production and available water storage approaches the minimum the city requires to meet fire protection and other essential requirements.

2. Upon notification, the city manager shall impose the landscape water restrictions effective immediately upon posting notices in three (3) conspicuous places in the city.

B. The restrictions shall stay in effect until such time as the city manager finds that the conditions giving rise to the restrictions no longer exist or may be modified or ended based on the results of consultation with the public works director.

C. Restrictions imposed shall be reviewed by the council at its next regular meeting.

D. Water for construction and water for the purpose of dust control may be limited or restricted entirely depending upon the availability of water at such time as water restrictions are imposed.
(Ord. No. 2009-007, § 3, 6-16-2009)

Article III.

Emergency Water Restrictions

13.20.050 Purpose.

This article is to restrict water use to essential services during times of critical water shortages due to severe drought, reduction in pumping capability or other emergency situations wherein there may be an insufficient water supply. This article includes the requirements of Articles I and II of this chapter.

(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.060 Posting of announcement/contents/review.

The city manager shall have the authority to declare a critical water supply emergency. The declaration shall be made by posting notice in three (3) conspicuous public places in the city. Such announcement shall set out the nature of the situation giving rise to the emergency, describe the action(s) to be taken by the city manager (including the time the declaration becomes effective) and shall specify the particular activity(ies) for which the use of water will be prohibited or restricted. The declaration shall be reviewed by the city council at its next meeting.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.070 Restrictions.

When a declaration of emergency is announced and notice given, the use and withdrawal of city-provided water by any person may be limited, including prohibiting or otherwise restricting any or all of the following:

A. Sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation;

B. Washing automobiles, trucks, trailers, trailer houses, motorbikes, boats, or any other type of mobile equipment;

C. Washing sidewalks, driveways, parking lots, tennis courts, filling station aprons, porches and other hard surface area;

D. Washing the outside of dwellings, washing the outside of office buildings;

E. Washing and cleaning business or industrial equipment and machinery;

F. Operating any ornamental fountain, scenic or recreational ponds and lakes or other structures making a similar use of water, except for the minimum necessary to support fish life;

G. Use of water to fill, refill or add to any swimming and wading pools or jacuzzi not employing a filter and re-circulating system, and evaporation covers, or where the use of the pool is required by a doctor;

H. Permitting the escape of water through defective plumbing;

I. Use of water for construction projects;

J. Water to serve customers in a restaurant unless requested; or

K. Such other prohibitions on use, or restrictions on use practices, conservation measures, or as may be imposed or requested by a supplier of water to the city, pursuant to supply agreement or

contract, as a condition to supplying water to the city.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.080 Termination of restrictions.

Whenever the city manager determines the condition(s) giving rise to the water prohibition no longer exist, he/she may declare the prohibition terminated in whole or in part or modified to meet the then exigent circumstances.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.090 Record of emergency declaration.

The city manager shall make or cause to be made a record of each time and date when an emergency declaration is announced to the public including any notice of termination or modification.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.100 Major irrigators.

In the event an emergency major irrigators being provided city water and who have city water meters at least two (2) inches in diameter shall be prohibited from irrigating once an emergency under 13.20.070 is declared. The city shall provide each major irrigator with notice of the declaration. Failure to comply with the terms of the declaration may result with the immediate suspension of water service by the city to the major irrigator.
(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.110 Other users.

A. With respect to violations committed by customers other than major irrigators the customer will receive one (1) letter of warning prior to receipt of a notice of violation. Only in the event the customer fails to adhere to the terms of the letter of warning will they be subject to the penalties set out in 13.20.120.

B. Transmittal of both the letter of warning and the notice of violation to the customer is to be accomplished by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the customer of the violation(s) including (but not limited to) personal delivery, substitute service, first-class mail or posting.

1. The letter of warning shall be in writing, specify the violation(s) and set out which compliance measures the customer is to employ.

2. A notice of violation shall be in writing, specify the violation(s), the required compliance measure(s) and may include a civil penalty

(Ord. No. 2009-007, § 3, 6-16-2009)

13.20.120 Penalties.

In addition to any liability, duty or other civil or criminal penalty provided by law, the city manager may

impose a civil penalty for violation(s) of this chapter. Imposition of the civil penalty shall occur only after a customer has received and failed to adhere to the terms of a letter of warning under SMC 13.20.110:

A. In the event the city manager believes it appropriate to impose a civil penalty for violation(s) of this chapter, a notice of assessment shall be transmitted consistent with SMC 13.20.110 and the penalty shall be due and payable upon receipt of the notice. The penalty may be added to the amount of the water bill and shall be subject to the terms of 13.10.040.B. Any payment received from a customer on a bill containing both a civil penalty and other water charges shall be deemed apply to the amount of the civil penalty first and then to the other water charges.

B. Appeal of Assessment of Penalty. Upon receipt of a notice of assessment, a customer may appeal the assessment to the city manager. The appeal is required to be in writing and with sufficient proof to argue the assessment. The written appeal must be received in the city offices within ten (10) business days of the date of the notice of assessment.
(Ord. No. 2009-007, § 3, 6-16-2009)

Chapter 13.24

PUBLIC IMPROVEMENT REIMBURSEMENT DISTRICTS

Sections:
13.24.010 Definitions.
13.24.020 Application to establish a reimbursement district.
13.24.030 Public works director's report.
13.24.040 Amount to be reimbursed.
13.24.050 Public hearing.
13.24.060 City council action.
13.24.070 Notice of adoption of resolution.
13.24.080 Recording the resolution.
13.24.090 Contesting the reimbursement district.
13.24.100 Obligation to pay reimbursement fee.
13.24.110 Public improvements.
13.24.120 Multiple public improvements.
13.24.130 Collection and payment--Other fees and charges.
13.24.140 Nature of the fees.
13.24.150 Severability.

13.24.010 Definitions.

The following terms are defined as follows for the purposes of this chapter:

"City" means the City of Sherwood, Oregon.

"Developer" means a person who is required or chooses to finance some or all of the cost of a street, water or sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the city for reimbursement for the expense of the improvement.

"Development permit" means any final land use decision, limited land use decision, expedited land division decision, partition, subdivision, planned unit development, or driveway permit.

"Person" means a natural person, the person's heirs, executors, administrators or assigns; a firm, partnership, corporation, association or legal entity, its or their successors or assigns; and any agent, employee or representative thereof.

"Public improvement" means any construction, reconstruction or upgrading of public water, stormwater, sanitary sewer or street improvements.

"Public works director" means the public works director of the city of Sherwood.

"Reimbursement agreement" means the agreement between the developer and the city which is authorized by the city council and executed by the city manager, providing for the installation of and payment for reimbursement district public improvements.

"Reimbursement district" means the area which is determined by the city council to derive a benefit from the construction of public improvements, financed in whole or in part by the developer.

"Reimbursement fee" means the fee required to be paid by a resolution of the city council and the reimbursement agreement. The city council resolution and reimbursement agreement shall determine the boundaries of the reimbursement district and shall determine the methodology for imposing a fee which considers the cost of reimbursing the developer for financing the construction of the improvement within the reimbursement district.
(Ord. 01-1114 § 1)

13.24.020 Application to establish a reimbursement district.

A. A person who is required to or chooses to finance some or all of the cost of a public improvement which will be available to provide service to property other than property owned by the person may by written application filed with the public works director request that the city establish a reimbursement district. The public improvement must be of a size greater than that which would otherwise ordinarily be required in connection with an application for a building permit or development permit or must be available to provide service to property other than property owned by the developer, so that the public will benefit by making the improvement.

B. The application shall be accompanied by an application fee, as set by council resolution which is reasonably calculated to cover the cost of the preparation of the public works director's report and notice pursuant to this chapter.

C. The application shall include the following:

1. A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement.

2. A map showing the boundaries of the proposed reimbursement district, the tax account number of each property, its size and boundaries.

3. A map showing the properties to be included in the proposed reimbursement district; the zoning

district for the properties; the front footage and square footage of said properties, or similar data necessary for calculating the apportionment of the cost; the property or properties owned by the developer; and the names and mailing addresses of owners of other properties to be included in the proposed reimbursement district.

4. The actual or estimated cost of the public improvements.

D. The application may be submitted to the city prior to the installation of the public improvement but not later than one hundred eighty (180) days after completion and acceptance of the public improvements by the city. This time period may be extended by the city manager for good cause shown.
(Ord. 01-1114 § 3)

13.24.030 Public works director's report.

The public works director shall review the application for the establishment of a reimbursement district and evaluate whether a district should be established. The public works director may require the submission of other relevant information from the developer in order to assist in the evaluation. The public works director shall prepare a written report for the city council that considers and makes a recommendation concerning each of the following factors:

A. Whether the developer will finance, or has financed some or all of the cost of the public improvement, thereby making service available to property, other than that owned by the developer.

B. The boundary and size of the reimbursement district.

C. The actual or estimated cost of the public improvement serving the area of the proposed reimbursement district and the portion of the cost for which the developer should be reimbursed for each public improvement.

D. A methodology for spreading the cost among the properties within the reimbursement district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which may, with city approval, be partitioned, subdivided, altered or modified at some future date. City may use any methodology for apportioning costs on properties specially benefited that is just and reasonable.

E. The amount to be charged by the city for an administration fee for the reimbursement agreement. The administration fee shall be fixed by the city council and will be included in the resolution approving and forming the reimbursement district. The administration fee may be a percentage of the total reimbursement fee expressed as an interest figure, or may be a flat fee per unit to be deducted from the total reimbursement fee.

F. Whether the public improvements will or have met city standards.

G. Whether it is fair and in the public interest to create a reimbursement district.
(Ord. 01-1114 § 3)

13.24.040 Amount to be reimbursed.

A. A reimbursement fee shall be computed by the city for all properties within the reimbursement district, excluding property owned by or dedicated to the city or the state of Oregon, which have the opportunity to use the public improvements, including the property of the developer, for formation of a reimbursement district. The fee shall be calculated separately for each public improvement The developer for formation of the reimbursement district shall not be reimbursed for the portion of the reimbursement fee computed for its own property.

B. The cost to be reimbursed to the developer shall be limited to the cost of construction engineering, construction, and off-site dedication of right of way. Construction engineering shall include surveying and inspection costs and shall not exceed seven and a half (7.5) percent of eligible public improvement construction cost. Costs to be reimbursed for right of way shall be limited to the reasonable market value of land or easements purchased by the developer from a third party in order to complete off-site improvements.

C. No reimbursement shall be allowed for the cost of legal expenses, design engineering, financing costs, permits or fees required for construction permits, land or easements dedicated by the developer, the portion of costs which are eligible for systems development charge credits or any costs which cannot be clearly documented.

D. Reimbursement for the amount of the application fee required by Section 13.24.020 in this chapter.
(Ord. 01-1114 § 4)

13.24.050 Public hearing.

A. Within forty-five (45) days after the public works director has completed the report required in Section 13.24.030, the city council shall hold an informational public hearing in which any person shall be given the opportunity to comment on the proposed reimbursement district. Developer shall provide the mailing list for all property owners within the proposed district. Because formation of the reimbursement district does not result in an assessment against property or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. The city council has the sole discretion after the public hearing to decide whether a resolution approving and forming the reimbursement district shall be adopted.

B. Not less than ten (10) days prior to any public hearing held pursuant to this chapter, the developer and all owners of property within the proposed district shall be notified of the public hearing and the purpose thereof. Such notification shall be accomplished by either regular and certified mail or by personal service. Notice shall be deemed effective on the date that the letter of notification is mailed. Failure of the developer or any affected property owner to be so notified shall not invalidate or otherwise affect any reimbursement district resolution or the city council's action to approve the same.
(Ord. 01-1114 § 5)

13.24.060 City council action.

A. After the public hearing held pursuant to Section 13.24.050A, the city council shall approve, reject or modify the recommendations contained in the public works director's report. The city council's decision shall be contained in a resolution. If a reimbursement district is established, the resolution shall include the public works director's report as approved or modified, and specify that payment of the reimbursement fee, as designated for each parcel, is a precondition of receiving any city permits applicable to development of that parcel as provided for in Section 13.24.100.

B. The resolution shall establish an interest rate to be applied to the reimbursement fee as a return on the investment of the developer. The interest rate shall be fixed and computed against the reimbursement fee as simple interest and will not compound.

C. The resolution shall instruct the city manager to enter into an agreement with the developer pertaining to the reimbursement district improvements. If the agreement is entered into prior to construction, the agreement shall be contingent upon the improvements being accepted by the city. The agreement shall contain at least the following provisions:

1. The public improvement(s) shall meet all applicable city standards.

2. The total amount of potential reimbursement to the developer shall be specified.

3. The total amount of potential reimbursement shall not exceed the actual cost of the public improvement(s).

4. The developer shall guarantee the public improvement(s) for a period of twelve (12) months after the date of installation.

5. A clause in a form acceptable to the city attorney stating that the developer shall defend, indemnify and hold harmless the city from any and all losses, claims, damage, judgments or other costs or expense arising as a result of or related to the city's establishment of the reimbursement district, including any city costs, expenses and attorney fees related to collection of the reimbursement fee should the city council decide to pursue collection of an unpaid reimbursement fee under Section 13.24.110H.

6. A clause in a form acceptable to the city attorney stating that the developer agrees that the city, cannot be held liable for any of the developer's alleged damages, including all costs and attorney fees, under the agreement or as a result of any aspect of the formation of the reimbursement district, or the reimbursement district process, and that the developer waives, and is stopped from bringing, any claim, of any kind, including a claim in inverse condemnation, because the developer has benefited by the city's approval of its development and the required improvements.

7. Other provisions the city determines necessary and proper to carry out the provisions of this chapter.

C. If a reimbursement district is established by the city council, the date, of the formation of the district shall be the date that the city council adopts the resolution forming the district.

(Ord. 01-1114 § 6)

13.24.070 Notice of adoption of resolution.

The city shall notify all property owners within the district and the developer of the adoption of a reimbursement district resolution. The notice shall include a copy of the resolution, the date it was adopted and a short explanation specifying the amount of the reimbursement fee and that the property owner is legally obligated to pay the fee pursuant to this chapter.
(Ord. 01-1114 § 7)

13.24.080 Recording the resolution.

The city recorder shall cause notice of the formation and nature of the reimbursement district to be filed in the office of the Washington County clerk so as to provide notice to potential purchasers of property within the district. Said recording shall not create a lien. Failure to make such recording shall not affect the legality of the resolution or the obligation to pay the reimbursement fee.
(Ord. 01-1114 § 8)

13.24.090 Contesting the reimbursement district.

No legal action intended to contest the formation of the district or the reimbursement fee, including the amount of the charge designated for each parcel, shall be filed after sixty (60) days following the adoption of a resolution establishing a reimbursement district and any such legal action shall be exclusively by Writ of Review pursuant to ORS 34.0 10 to ORS 34.102.
(Ord. 01-1114 § 9)

13.24.100 Obligation to pay reimbursement fee.

A. The applicant for a permit related to property within any reimbursement district shall pay the city, in addition to any other applicable fees and charges, the reimbursement fee established by the council, if within ten years after the date of the passage of the resolution forming the reimbursement district, the person applies for and receives approval from the city for any of the following activities:

1. A building permit for a new building;

2. Building permits for any addition(s) of a building, which cumulatively exceed twenty-five (25) percent of the existing square footage in any thirty-six (36) month period;

3. A development permit, as that term is defined by this chapter;

4. A city permit issued for connection to a public improvement.

B. The city's determination of who shall pay the reimbursement fee and when the reimbursement fee is due is final.

C. In no instance shall the city, or any officer or employee of the city, be liable for payment of any

reimbursement fee, or portion thereof, as a result of the city's determination as to who should pay the reimbursement fee. Only those payments which the city has received from or on behalf of those properties within a reimbursement district shall be payable to the developer. The city's general fund or other revenue sources shall not be liable for or subject to payment of outstanding and unpaid reimbursement fees imposed upon private property.

D. Nothing in this chapter is intended to modify or limit the authority of the city to provide or require access management.

E. Nothing in this chapter is intended to modify or limit the authority of the city to enforce development conditions which have already been imposed against specific properties.

F. Nothing in this chapter is intended to modify or limit the authority of the city, in the future, to impose development conditions against specific properties as they develop.

G. No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for a different type of improvement. No permit shall be issued for any of the activities listed in subsection 10A unless the reimbursement fee, together with the amount of accrued interest, has been paid in full. Where approval is given as specified in subsection 10A, but no permit is requested or issued, then the requirement to pay the reimbursement fee lapses if the underlying approval lapses.

H. The date of reimbursement under this chapter shall extend ten years from the date of the formation of a reimbursement district formation by city council resolution.

I. The reimbursement fee is immediately due and payable to the city by property owners upon use of a public improvement as provided by this chapter in subsection 10A. If connection is made or construction commenced without required city permits, then the reimbursement fee is immediately due and payable upon the earliest date that any such permit was required.

J. Whenever the full reimbursement fee has not been paid and collected for any reason after it is due, the city manager shall report to the city council the amount of the uncollected reimbursement, the legal description of the property on which the reimbursement is due, the date upon which the reimbursement was due and the property owner's name or names. The city council shall then, by motion, set a public hearing date and direct the city manager to give notice of that hearing to each of the identified property owners, together with a copy of the city manager's report concerning the unpaid reimbursement fee. Such notice may be either by certified mail or personal service. At the public hearing, the city council may accept, reject or modify the city manager's report. If the city council determines that the reimbursement fee is due but has not been paid for whatever reason, the city council may, at its sole discretion, act, by resolution, to take any action, it deems appropriate, including all legal or equitable means necessary to collect the unpaid amount. However, nothing in this chapter requires the city to take any action to collect such amounts.
(Ord. 01-1114 § 10)

13.24.110 Public improvements.

Public improvements installed pursuant to reimbursement district agreements shall become and remain

the sole property of the city.
(Ord. 01-1114 § 11)

13.24.120 Multiple public improvements.

More than one public improvement may be the subject of a reimbursement district.
(Ord. 01-1114 § 12)

13.24.130 Collection and payment--Other fees and charges.

A. The developer shall receive all reimbursement collected by the city for reimbursement district public improvements. Such reimbursement shall be delivered to the developer for as long as the reimbursement district agreement is in effect. Such payments shall be made by the city within ninety (90) days of receipt of the reimbursements.

B. The reimbursement fee is not intended to replace or limit, and is in addition to, any other existing fees or charges collected by the city.
(Ord. 01-1114 § 13)

13.24.140 Nature of the fees.

The city council finds that the fees imposed by this chapter are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.
(Ord. 01-1114 § 14)

13.24.150 Severability.

If any section, phrase, clause, or part of this chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.
(Ord. 01-1114 § 15)

Title 14

(Reserved)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Construction Codes

15.08 Moving Buildings

15.12 Swimming Pools

15.16 System Development Charges

15.20 Park and Recreation System Development Charges on New Development

15.21 Dangerous Buildings

15.24 Erosion Prevention and Sediment Control

15.28 Enforcement and Remedies

Chapter 15.04

CONSTRUCTION CODES

Sections:

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15.04.020 Purpose.
15.04.030 Scope.
15.04.040 Definitions.
15.04.050 Alternate materials and methods.
15.04.060 Modifications.
15.04.070 Tests.
15.04.080 Powers and duties of building official.
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Article II. Various Codes

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15.04.140 Electrical code.
15.04.150 One and two family dwellings.
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15.04.190 Fee policy.

Article IV. Penalties

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Article I.

Administration and Enforcement

15.04.010 Title.

These regulations shall be known as the city of Sherwood building code, may be cited as such and will be referred to herein as "this code."
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.010)

15.04.020 Purpose.

The purpose of this code is to establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.020)

15.04.030 Scope.

This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Where, in any specific case, there is a conflict between this code and Oregon Revised Statute, the statute shall govern.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.030)

15.04.040 Definitions.

For the purpose of the code, the following definition shall apply:

"Building official" means the officer or other designated authority charged with the administration and enforcement of this code, or the building official's duly authorized representative.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.040)

15.04.050 Alternate materials and methods.

The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically proscribed by this code, provided such alternate has been approved and its use authorized by the building official.

The building official may approve any such alternate material, design or method, provided the building official finds that the proposed material, design or method complies with the provisions of this code and that it is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official shall require that evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any approval of any alternate material, design or method shall be recorded and entered in the files of the agency.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.050)

15.04.060 Modifications.

When there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications provided the building official finds that the modification is in conformance with the intent and purpose of this code and that said modification does not lessen any fire-protection requirements nor the structural integrity of the building involved. Any action granting modification shall be recorded in the files of the code enforcement agency.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.060)

15.04.070 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.070)

15.04.080 Powers and duties of building official.

A. General. There is established a code enforcement agency which shall be under the administrative and operational control of the building official. The building official is authorized to enforce all the provisions of this code.

The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out

the functions of the code enforcement agency.

C. Right of Entry. When it may be necessary to inspect to enforce the provisions of this code, or the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, in violation of this code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the building official may enter said building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by ORS to secure entry.

D. Stop Work Orders. Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement, or by the city), the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the building official to proceed thereafter.

E. Authority to Disconnect Utilities in Emergencies. The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time thereafter.

F. Authority to Abate Hazardous Equipment. When the building official ascertains that equipment, or any potion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within twenty-four (24) hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as he or she deems necessary to prevent, restrain, correct or abate the violation.

G. Connection after Order to Disconnect.No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official until the building official specifically authorizes the reconnection and/or use of such equipment.

H. Maintenance. All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated

agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the building official may cause a structure to be reinspected.

I. Occupancy Violations. Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in his notice and make the structure, or portion thereof, comply with the requirements of this code.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.080)

15.04.090 Appeals.

A. Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

B. Appeals. Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the building official with regard to the building code may be appealed to the board of appeals in conformance with procedures provided herein.

C. Appeal Procedure. Any person aggrieved by a decision of the building official made pursuant to the following specialty codes may appeal that decision to the following:

1. Electrical Specialty Code. Appeals may be made to the state of Oregon, Building Codes Division, Chief Electrical Inspector.

2. Structural Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.

3. Mechanical Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.

4. Plumbing Specialty Code. Appeals may be made to the state of Oregon, Building Codes Division.

5. One and Two Family Dwelling Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.

6. Manufactured Dwelling Code. Appeals may be made to the state of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.

7. Recreational Park and Organizational Camp Regulations. Appeals may be made to the state of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.

An appeal shall be in writing, shall describe the basis for the appeal and shall first be filed with the building official.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.090)

15.04.100 Plans and permits.

A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefor to the applicant.

When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified and altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

B. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than ninety (90) days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

C. Validity of Permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.

D. Expiration of Plan Reviews. Applications for which no permit is issued within one hundred eighty (180) days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Permit Expiration, Extension and Reinstatement. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized is not commenced within the time limitations set forth in this section.

Every permit issued by the building official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities.

Every permit issued by the building official shall expire by limitation and become null and void twenty-four (24) months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

Exception: At the time of permit issuance the building official may approve a period exceeding twenty-four (24) months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within twenty-four (24) months unreasonable.

Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once.

Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

a. The building code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit.

b. No changes have been made or will be made in the original plans and specifications for such work.

c. The original permit expired less than one year from the request to reinstate. The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

F. Work Without a Permit/Investigation Fees. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

G. Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

H. Suspension/Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the city code.

I. Inspections. It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner. The requester shall provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. All work requiring inspection approval shall not be covered nor work proceed until approval is granted. All corrections required by the building official shall be completed and reinspected within twenty (20) days from first notice, no work shall proceed until corrections have been approved. Occupancy or use of any structure shall not be allowed until corrections are corrected and a final inspection is approved. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his or her agent.

Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.100)

15.04.110 Oregon Structural Specialty Code.

The city of Sherwood shall use the 2007 Oregon Structural Specialty Code for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2007 code is deemed ineffective and without force.
(Ord. 08-007 § 1)

Article II.

Various Codes

15.04.120 Mechanical code.

The city of Sherwood shall use the 2007 Oregon Mechanical Specialty Code for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2007 code is to be deemed ineffective and without force.
(Ord. 08-009 § 1: Ord. 06-005 § 1: Ord. 02-1134 § 1; Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.020)

15.04.130 Plumbing code.

The city of Sherwood shall use the 2008 Oregon Plumbing Specialty Code for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2008 code is to be deemed ineffective and without force.
(Ord. 08-008 § 1: Ord. 06-006 § 1: Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.030)

15.04.140 Electrical code.

The city of Sherwood shall use the 2005 Oregon Electrical Specialty Code for administration, plan review and inspection as the same has been adopted and described in OAR 918-305-0100(1). Any provision in this chapter inconsistent with the terms of that 2005 code is to be deemed ineffective and without force.
(Ord. 06-003 § 1: Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.040)

15.04.150 One and two family dwellings.

The city of Sherwood shall use the 2008 Oregon Residential Specialty Code for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2008 code is deemed ineffective and without force.
(Ord. 08-006 § 1: Ord. 06-007 § 1: Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.050)

15.04.160 Manufactured dwelling code.

A. Parks.

1. Enforcement of State Rules. The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0110, except as modified in this code, are enforced as part of this code.

B. Manufactured Home Installations.

1. Enforcement of State Rules. The manufactured dwelling rules adopted by OAR 918-500-0000 through 918-500-0500 and OAR 918-520-0010 through 918-520-0020, except as modified in this code, are enforced as part of this code.

(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.060)

15.04.170 Recreational park and organizational camp regulations.

A. Enforcement of State Rules. The recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0085, except as modified in this code, are enforced as part of this code. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.070)

Article III.

Fees

15.04.190 Fee policy.

Fees charged under this code shall be as provided by resolution of the city council, based upon the fee calculation methodology adopted by the Tri-County Building Services Board (amended by Ord. 2000-1098).

The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.

The determination of value or valuation under any provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. (Ord. 00-1099 § 1: amended during 1998 codification; Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.303)

Article IV.

Penalties

15.04.200 Violation--Penalty.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars ($1,000.00) per violation. Each day that a violation exists is a separate offense.
(Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.5)

Chapter 15.08

MOVING BUILDINGS

Sections:

15.08.010 Moving permit required--Application.
15.08.020 Moving permit issuance and revocation.
15.08.030 Building permit required.
15.08.040 Penalties.

15.08.010 Moving permit required--Application.

It is unlawful for any person to move any building over or upon any street, alley or thoroughfare within the city without having first obtained a moving permit from the city to do so. The fee for such moving permit shall be fifty dollars ($50.00), payable at the time of filing application. The application shall be filed with the building division and shall contain or have attached thereto the following:

A. The names and addresses of the applicant and owner of the building.

B. The present location, size and age of the building to be moved and the proposed site for relocation.

C. A request for a pre-move building inspection by the building department will be accompanied by a nonrefundable fee of twenty-five dollars ($25.00). If approved, this fee will be credited toward the moving permit fee.

D. Prior to issuance of moving permit, the applicant shall furnish written approval from the police department stating the date, time and route of the proposed move. Also a statement, that the applicant has made arrangements with the police department to provide, at the applicant's expense, for reasonable traffic controls during the course of the moving operation.

E. Prior to issuance of the permit, the applicant shall furnish written evidence that he or she made all necessary arrangements with all public utility companies or agencies having above-ground installations along the route of the move to provide the necessary assistance required.

F. Written evidence that the mover has liability insurance in the sum of at least one hundred thousand dollars ($100,000.00) per person and three hundred thousand dollars ($300,000.00) per accident for personal injuries, and fifty thousand dollars ($50,000.00) per occurrence for property damage, for any liability connected with or arising out of the moving operation.

G. A written agreement that prior to receiving a moving permit, the applicant will furnish the city a cash deposit sufficient to cover any costs estimated to be incurred by the city in rendering assistance in the move or in repairing or restoring city property. The amount of such deposit shall be fixed by the building official. The applicant shall also agree in writing to indemnify the city and to pay for any unforeseen costs or damages which might result from the move.

H. Any other information which the building division shall deem necessary for a fair determination of the financial responsibility of the mover, the adequacy of the mover's equipment, the mover's experience and capability, and the safety and practicability of the move.

(Ord. 700 § 1, 1978)

15.08.020 Moving permit issuance and revocation.

Upon compliance with all of the aforementioned requirements, and compliance with any other applicable ordinances, laws or governmental regulations, the building division shall issue the moving permit. The permit shall be conditional upon continued compliance with all of the provisions and the representations made in connection with the application for the permit. The permit may also be further conditioned upon such other provisions as will minimize the public inconvenience and assure the safety of the moving operation.

Moving permits shall be valid for a period not to exceed thirty (30) days subject to extension by the building division upon reasonable terms and conditions. A moving permit may be revoked, suspended, or further conditioned, without notice of hearing, upon any finding of misinformation in the application or any change of circumstances such that the permit would not have been issued initially. Denial, revocation or suspension of a moving permit may be appealed to the city council upon written notice filed within five days of the building division's ruling. The council's decision shall be final.
(Ord. 700 § 2, 1978)

15.08.030 Building permit required.

Pursuant to the State Structural Specialty Code, as adopted in Sherwood City Ordinance 1028 as amended, a building permit is required for all buildings moved to a location within the city. The building permit required is in addition to, not in lieu of the moving permit required by this chapter. In addition to all requirements set forth in the building code, the following must also be met to the satisfaction of the building official before a building permit may be issued:

A. The building to be moved shall be located and used in a manner consistent with all zoning and land use ordinances of the city, together with any other applicable ordinances, laws or governmental regulations.

B. The building shall be sufficiently similar to other buildings in the immediate vicinity in size, age, architectural style and structural condition so as to be compatible with other buildings in the area and so as not to cause property in the area to decrease in value.

Denial of a building permit application for failure to comply with subsection B of this section may be appealed to the city council upon written notice filed within five days followings the denial. In any event the building official may refer the application to the city council for a determination of compliance with subsection B of this section. The city council's decision shall be final.
(Ord. 98-1056 § 1; Ord. 700 § 3, 1978)

15.08.040 Penalties.

Any person, firm, corporation or other entity violating any of the provisions of this chapter shall upon conviction thereof, be punishable by a fine not exceeding five hundred dollars ($500.00). In the event any provision of this chapter is violated by a firm or corporation, the officer or officers or person or persons in charge and responsible for the violation shall also be subject to the penalties herein provided.
(Ord. 98-1056 § 2: Ord. 98-1049 § 10: Ord. 700 § 4, 1978)

Chapter 15.12

SWIMMING POOLS

Sections:

15.12.010 Maintenance of swimming pools.
15.12.020 Maintenance of fishponds, etc.
15.12.030 Effective date of chapter.
15.12.040 Violation--Penalty.

15.12.010 Maintenance of swimming pools.

A. Every person, firm or corporation in possession of land within the city, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping or immersion or any other purpose of a depth of more than eighteen (18) inches, shall:

1. Maintain on the lot and completely surrounding said pool or other body of water an enclosure consisting of a fence which if constructed with woven wire shall be of a pattern and type and if built of wood to be built of a vertical member type, both types to be such as to discourage children climbing; or

2. A wall not less than four feet in height, above the underlying ground or base, incapable of being crawled under and sufficient to make such body of water inaccessible to small children, with openings, holes or gaps therein no larger than four inches in any dimension except for doors or gates; provided, however, that in the event a picket fence is used, the openings between the pickets shall not exceed four inches in width; provided, further, that at no point shall such fence be closer to the edge of pool than four feet; provided, further, that a dwelling house or accessory building may be used as a part of such enclosure; and

3. All said fences, enclosures or walls shall be made acceptable to the building inspector of the city.

B. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device installed at least forty (40) inches above the ground or base, designed to help, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

C. No swimming pool shall be constructed without first obtaining a building permit. No building permit shall be issued until the plans filed with the building inspector's office show full compliance with this chapter and no pool shall be used until a final inspection is made by said building inspector after construction is completed in accordance herewith.
(Ord. 517 § 1, 1961)

15.12.020 Maintenance of fishponds, etc.

A. Every person, firm or corporation in possession of land within the city, either as owner, purchaser under contract, lessee, tenant or licensee, on which there is a fishpond, or other decorative pool or other artificial body of water a depth of eighteen (18) inches or more shall construct and maintain an acceptable enclosure and securely close off or block any and all entrances thereto.

B. Acceptable enclosure shall be one of the following:

1. A fence completely surrounding the fishpond, decorative pool or other artificial body of water, as provided in Section 15.12.010 of this chapter.

2. A wire screen or cover of sufficient strength to hold a weight of at least seventy-five (75) pounds and installed not more than six inches below the surface of the water at all times.

(Ord. 517 § 2, 1961)

15.12.030 Effective date of chapter.

All persons now maintaining pools for swimming, dipping or immersion, or any other artificial body of water, having a depth of more than eighteen (18) inches shall comply with the provisions of this chapter within sixty (60) days after the effective date of the ordinance codified in this chapter. However, the council, upon the application of a property owner, may grant extensions of time for compliance in individual cases upon showing of good cause. Such extensions of time shall not exceed thirty (30) days at a time.

(Ord. 517 § 3, 1961)

15.12.040 Violation--Penalty.

Upon conviction of any person, firm or corporation of a violation of this chapter, said person, firm or corporation shall be punished by a fine of not more than two hundred fifty dollars ($250.00). Any person, firm or corporation continuing, committing or permitting any violation on more than one day shall be deemed guilty of a separate offense for each day of violation.

(Ord. 98-1049 § 9: Ord. 517 § 4, 1961)

Chapter 15.16

SYSTEM DEVELOPMENT CHARGES*

Sections:

15.16.010 Title.
15.16.020 Purpose.
15.16.030 Scope.
15.16.040 Definitions.
15.16.050 System development charge established.
15.16.060 Authorized expenditures.
15.16.070 Expenditure restrictions.
15.16.080 Collection of charges.
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15.16.100 Credits.
15.16.110 Segregation and use of revenue.
15.16.120 Appeal procedure.
15.16.130 Annual fee review.
15.16.140 Prohibited connection.
15.16.150 Transition.
15.16.160 Penalty.
15.16.170 Construction.

* Prior ordinance history: Ords. 01-1118 and 01-1122.

15.16.010 Title.

This chapter shall be known and may be pleaded as the city of Sherwood system development charge (SDC) Ordinance.

(Ord. 07-011 § 1)

15.16.020 Purpose.

The purpose of the system development charge is to impose an equitable share of the cost of capital improvements for water, sanitary sewer, streets, storm drainage, and parks and open space upon those new or expanded developments that create the need for or increase the demand on capital improvements.
(Ord. 07-011 § 2)

15.16.030 Scope.

The system development charge imposed under the authority of this chapter is separate from, and in addition to, any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development. A system development charge is a charge imposed when a property owner or developer chooses to intensify the use of specific parcel or parcels of land and is for excess-capacity provided to accommodate the demand created by new or expanded development.
(Ord. 07-011 § 3)

15.16.040 Definitions.

For purposes of this chapter and any resolutions authorized thereunder:

"Applicant" means the person seeking to obtain a building permit.

"Arterial" means that term as defined in the city comprehensive plan.

"Building permit" means that permit issued by the city building official pursuant to the Uniform Building Code and other applicable codes. In addition, building permit shall mean the manufactured home placement permit issued on a form approved by the Oregon Department of Commerce and relating to the placement of manufactured homes in the city.

"Capital improvements" means facilities or assets used for:

1. Water supply, storage, treatment, and distribution;

2. Waste water collection, transmission, treatment and disposal;

3. Drainage and flood control;

4. Construction, reconstruction, and improvement of transportation facilities described in the city capital improvement plan; or

5. Parks and recreation.

"City manager" means a person employed by the city as the city manager, or a person designated by the city manager for the purpose of administering this chapter.

"Development" means constructing a building or an addition to a structure, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions), or creating or terminating rights of access.

"Improvement charge" means a charge for costs associated with capital improvements to be constructed after the date the charge is adopted pursuant to a relevant system development charge resolution authorized by this chapter.

"Land area" means the area of a parcel of land as measured by projection of the parcel's boundaries upon a horizontal plane, with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

"Occupancy permit" means the occupancy permit provided for in the Uniform Building Code or other city ordinances. If an occupancy permit is not provided for a particular structure or use, the final city inspection and approval for that structure or use shall serve as the occupancy permit.

"Owner" means the record owner or owners of fee title, or the purchaser or purchasers under a recorded sale agreement, as shown in the deed records for the county.

"Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, including the yards and other open spaces required under zoning, subdivision, building, and other city development ordinances.

"Qualified public improvement" means a capital improvement that is:

1. Required as a condition of development approval.

2. Identified in the public facility plans adopted pursuant to Section 15.16.050 of this chapter.

3. Except for transportation improvements described in subsection 4 of this definitions, not located on or contiguous to a parcel of land that is the subject of a development approval, except as otherwise specified by this chapter.

4. A transportation improvement located on or contiguous to a parcel of land that is the subject of a development approval, except as otherwise specified in this chapter.

"Reimbursement charge" means a charge for costs associated with capital improvements constructed or under construction on the date the charge is adopted pursuant to a relevant system development charge resolution authorized by this chapter.

"System development charge" means a reimbursement fee, an improvement fee, or a combination thereof, assessed or collected at the time of issuance of a building permit, or at the time of connection to a capital improvement. "System development charge" includes that portion of a sanitary sewer, storm water, or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections to water, storm water, and sanitary sewer facilities. "System development charge" does not include charges assessed or collected as part of a local improvement district or a

charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.
(Ord. 07-011 § 4)

15.16.050 System development charge established.

A. Authority to establish system development charges by resolution of the city council is created.

1. Each resolution shall be limited to the system development charges for one of the five categories of capital improvements described in Section 15.16.040 of this chapter. The resolution shall include a statement of purpose, and the identification of a designated master plan, public facility plan, capital improvement plan, or comparable plan used to identify authorized expenditures of each system development charge's revenues. Each such plan shall be identified in or appended to the authorizing resolution as Appendix "A."

2. Each resolution shall describe the methodology used in establishing the system development charge. The methodology shall comply with the requirements of state law and shall be described in or appended to the authorizing resolution as Appendix "B."

3. Each resolution shall contain a schedule of charges, identified as improvement and/or reimbursement charges.

4. Each resolution shall identify, to the extent applicable, those portions of capital improvements that are eligible for credit under Section 15.16.100 of this chapter. The resolution may vary the general terms and conditions for credits established under Section 15.16.100 of this chapter, to the extent the terms and conditions are made less restrictive and the variation is expressly allowed by a subsection of Section 15.16.100 of this chapter.

5. Each resolution shall establish appeal fees as per Section 15.16.120 of this chapter.

B. Unless otherwise exempted by subsection C of this section, or other local or state law, system development charges created under the authority of this chapter are imposed upon all parcels of land within the city, and upon all lands outside the boundary of the city that choose to connect to or use the city's capital improvements.

C. Except as provided in subsection D of this section, system development charges do not apply to the following types of development unless the new structure or use replaces a previously existing structure or use that was not assessed system development charges or the system to which the system development charge applies was installed to the previously existing structure or use and needs to be replaced or modified to provide extra-capacity, in which case current system development charges shall apply to the extra-capacity generating portion of the new structure or use:

1. Remodeling or replacement of an existing single-or two-family structure (including manufactured homes on individual lots and those in manufactured home parks);

2. Remodeling or replacement of an existing multi-family structures, except to the extent of

dwelling units that are added, in which case current system development charges shall apply to the additional units;

3. Remodeling or replacement of an existing office, business and commercial, industrial, or institutional structure or use, except to the extent additional vehicle trips are generated, or increased usage of water, storm water, or sanitary sewer services result, in which case current system development charges shall apply to the additional trips or usage.

D. System development charges for transportation-related capital improvements do not apply to the uses and development described in subsection C of this section except to the extent the remodeling or replacement creates an additional impact on a transportation facility.

E. Additional exemptions specific to a particular type of system development charge may be established by the authorizing resolution described in subsection A of this section.

F. The city may collect system development charges established by other governmental jurisdictions. The system development charges shall be assessed and collected under the terms of the applicable ordinances and resolutions established by those jurisdictions, and shall be adopted by the city council by the appropriate resolution or intergovernmental agreement.
(Ord. 07-011 § 5)

15.16.060 Authorized expenditures.

The revenues received from system development charges shall be budgeted and expended for capital improvements as provided by state law. The accounting of revenues and expenditures shall be included in the city's comprehensive annual financial report as required under ORS Chapter 294.
(Ord. 07-011 § 6)

15.16.070 Expenditure restrictions.

A. System development charges may not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

B. System development charges may not be expended for costs of the operation or routine maintenance of capital improvements.
(Ord. 07-011 § 7)

15.16.080 Collection of charges.

A. Unless otherwise provided by this chapter or state law, system development charges are immediately due and payable and shall be collected prior to issuance of any building permits, or in case of a deferral authorized in Section 15.16.090 of this chapter, prior to issuance of an occupancy permit. Resolutions authorizing specific system development charges may identify additional conditions or circumstances triggering collection of each specific charge in those circumstances that otherwise meet the terms of this chapter but where no building permit is required.

B. A building or occupancy permit may not be issued by the city, nor shall connection to any city service be allowed, until system development charges have been paid in full or until provisions for deferred payment have been made as described in Section 15.16.090 of this chapter.

C. The obligation to pay deferred system development charges, and the interest thereon, shall be secured by property, bond, deposits, letter of credit, or other security acceptable to the city manager.

1. Notwithstanding agreement for deferral of payment, the liability for system development charges shall survive if unpaid when the building permit has expired and shall be a personal obligation of the permittee.

2. Failure to pay the system development charges within sixty (60) days of the due date shall result in a penalty equal to ten percent of the charge. Interest shall accrue from the sixty (60) day point at the rate permitted by ORS 82.010.

3. In addition to an action at law and any statutory rights, the city may, when payment of system development charges are delinquent:

    a. Refuse to issue any development permits to the delinquent party;

    b. Refuse to honor any system development charge credits held by the delinquent party for any development;

    c. Condition any development approval requested by the delinquent party on payment in full of the system development charges, including penalties and interest;

    d. Revoke any previous system development charges due, including penalties and interest, from any offset account held by the city for the delinquent party, in which case the system development charges shall immediately be due, and refuse to issue any new deferrals;

    e. Withdraw the amount of system development charges due, including penalties and interest, from any offset account held by the city for the delinquent party.

D. For purposes of this section, the term "delinquent party" includes a person controlling a delinquent corporate permittee and any corporation controlled by a delinquent individual permittee. (Ord. 07-011 § 8)

15.16.090 Deferred payment.

A. When the total of transportation and parks city system development charges due exceed fifty thousand dollars ($50,000.00), the city manager may approve deferred payments until such time as an occupancy permit is issued. An occupancy permit may not be issued until all system development charges are paid.

B. When any category of city system development charges increases by twenty-five (25) percent or

more due to legislative action by the city between the time a development application is submitted and the SDC becomes payable, and, as a result, that category of system development charges due and payable exceeds one hundred thousand dollars ($100,000.00), the developer may choose to defer payments for a period not to exceed five years. An occupancy permit may not be issued until the person responsible for payment of the system development charge executes a deferred payment agreement with the city.

C. Notwithstanding subsection B of this section, a person who submitted a development application during the period beginning October 1, 2006 and ending on the effective date of this chapter may choose to defer payments for any single SDC provided the amount due and payable for that SDC exceeds one hundred thousand dollars ($100,000.00). An occupancy permit may not be issued until the person responsible for payment of the system development charge executes a deferred payment agreement with the city.
(Ord. 07-012 § 1: Ord. 07-011 § 9)

15.16.100 Credits.

A. Credit may be applied to the system development charge to the extent that prior structures or uses existed, city services were established to those structures or uses, and said structures or uses had previously paid the applicable system development charge in effect at the time the structure or use was established. Except as provided in subsection F of this section, credits may not exceed the calculated system development charge. Refunds may not be made on account of such excess credit.

B. Credit shall be given for the cost of a qualified public improvement, as defined by Section 15.16.040 of this chapter. Except for transportation improvements, if a qualified public improvement is located partially on and partially off the parcel or parcels that are the subject of the development approval, the credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the property. For transportation improvements, credit may also be given for the cost of the portion of the improvement located on or contiguous to the property. The terms of this subsection may be modified by the authorizing resolution described in Section 15.16.050 of this chapter to the extent that credit provisions are made less restrictive.

C. The credit provided for by this section shall be only for the improvement charges for the type of improvement being constructed and, except as provided in subsection B of this section, shall not exceed the improvement charge even if the cost of the capital improvement exceeds the applicable improvement charge. Credits shall not be provided for reimbursement charges.

D. The qualified public improvement must be designed and constructed to provide additional capacity to meet projected future capacity needs created by the development. Improvements that address capacity deficiencies existing at the time of development are not eligible for credit. In the case of improvements addressing both future and existing capacity needs, only that portion providing future capacity is eligible for credit. The terms of this subsection may be modified by the authorizing resolution described in Section 15.16.050 of this chapter to the extent that credit provisions may be made less restrictive.

E. The city manager must determine that the timing, location, design, and scope of the proposed improvement is consistent with and furthers the objectives of the capital improvement programs of the city. The city manager may use priorities established by the city council in the city's capital improvement plan, the information contained in the city's comprehensive plan and various public facility master plans, the advice of

the city's engineering, public works, and planning staff, and other relevant information and data in making this determination. The city manager must also determine that the improvement is required to fulfill a condition of development approval issued by the city and is included in the city's adopted public facility plans.

F. Except as provided in this subsection, excess credit may not be transferred from one development to another.

1. In the case of a multi-phased development, excess credit generated in one phase may be used to offset applicable system development charges in subsequent phases.

2. Upon written application to the city manager, excess credits may be reapportioned from one lot or parcel to another lot or parcel within the confines of the property originally eligible for the credit. The reapportionment shall be noted on the original credit form retained by the city.

3. Upon written application to the city manager, excess credits may be transferred to another lot or parcel that is adjacent to and served by the transportation facility that generated the credits.

G. Credit may not be transferred from one of the types of capital improvements defined by Section 15.16.040 of this chapter and authorized by a resolution, to another type of capital improvement authorized by a different resolution.

H. All credit requests must be in writing and filed with the city manager no more than ninety (90) days after acceptance by the city of the qualified public improvement. Improvement acceptance shall be in accordance with the practices, procedures and standards of the city.

I. The amount of any credit shall be determined by the city manager and based upon the subject improvement's construction contract documents, or other appropriate information provided by the applicant, and verified and accepted by the city. Notwithstanding the contract amount, the credit may not exceed prevailing market rates for similar projects, as determined by the city.

J. In the case of rights-of-way, easements, or other land associated with the improvement, value shall be established by sales documents, formal appraisal provided at the developers cost, by county assessors records, or some other method deemed acceptable to the city. Notwithstanding actual sales price, the credit may not exceed prevailing market rates for similar projects, as determined by the city.

K. Credit shall be provided to the applicant on a form provided by the city. The original of the credit form shall be retained by the city. The credit shall state a dollar amount that may be applied against any applicable system development charge imposed against the subject property. Excess credit may not be redeemed for cash or a cash-equivalent.

L. All requests for redemption of credits must be submitted not later than the issuance of a building permit or, if deferral was permitted pursuant to Section 15.16.090 of this chapter, issuance of an occupancy permit. The permittee is solely responsible for presentation to the city of any credit redemption request and no credit redemption request shall be accepted after issuance of a building permit or, if deferral was granted, issuance of an occupancy permit. In no event is a subject property entitled to redeem credits in excess of the system development charges imposed.

M. Credits shall not be allowed more than seven years after the acceptance of the applicable improvement by the city. Extensions of this deadline may not be granted.

N. Upon annexation of affected parcels of land, credits previously issued by Washington County will be honored by the city.
(Ord. 07-011 § 10)

15.16.110 Segregation and use of revenue.

A. All funds derived from each separately authorized system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall not be used for a purpose other than the purpose set forth in this chapter and the specific authorizing resolution.

B. The city manager shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges that shows the total amount of system development charge revenues collected for each type of facility and the projects funded from each account.
(Ord. 07-011 § 11)

15.16.120 Appeal procedure.

A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the expenditure to the city council by filing a written appeal with the city recorder. The appeal shall identify with reasonable certainty the particulars of the expenditure, and the relevant facts and specific provisions alleged to have been violated. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

1. Within thirty (30) days of receipt of the appeal, the city manager shall file a written report with the city council recommending appropriate action. Within fifteen (15) days of receiving the report, the city council shall conduct a hearing to determine whether the expenditure was proper. Notice of the hearing, including a copy of the city manager's report, shall be mailed to the appellant least ten days prior to the hearing. The appellant shall have a reasonable opportunity to present evidence and argument at the hearing.

2. The city council may by resolution adopt rules of procedure governing appeal hearings, including stipulations that the hearing may be continued if necessary to further address issues raised by the appellant. The city council may by resolution establish an appeal fee.

3. The appellant shall have the burden of proof in any appeal hearing. Evidence and argument shall be limited to grounds specified in the written appeal. The city council shall issue a written decision stating the basis for its decision and directing any appropriate action to be taken.

4. If the city council determines that there has been an improper expenditure of system development charge revenues, the city council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was

spent.

5. Review of the city council decision shall be as provided in ORS 34.010 to 34.100.

B. Review of decisions of the city manager, under this chapter, other than decisions relating to the expenditure of funds as per subsection A of this section, shall be conducted in the following manner:

1. Discretionary decisions of the city manager shall be in writing and mailed by regular mail to the last known address of the appellant.

2. Discretionary decisions by city manager's designee may be written or oral. Any person aggrieved by the decision of the city manager's designee may request in writing that the city manager review such a decision. The city manager's response shall be in writing and shall state the reason for his or her decision. The purpose of appeal, the written response shall be provided to the appellant as described in subsection (B)(1) of this section.

3. Any person aggrieved by discretionary decision of the city manager may appeal the decision to the city council. The appeal shall be in writing and must be filed with the city recorder within fourteen (14) days of the date the city manager's decision was mailed.

4. The appeal shall state the relevant facts, applicable ordinance provisions, and the relief sought. The appeal shall be heard by the city council in the same manner as provided in subsection A of this section.

5. After providing notice to the appellant, the city council shall determine whether the city manager's decision or action is in accordance with this chapter and associated resolutions, and the provisions of ORS 223.297 to 223.314, and may affirm, modify, or overrule the city manager's decision or action. The city council shall issue a written decision stating the council shall issue a written decision stating the basis for its conclusion and directing appropriate action be taken. The city council's decision shall be final and is subject to review as provided in ORS 34.010 to 34.100.

(Ord. 07-011 § 12)

15.16.130 Annual fee review.

A. The city council shall review system development charges at least annually, prior to adoption of a new fiscal year's budget, to determine whether additional revenues should be generated to provide extra-capacity improvements needed to address new development or to ensure that revenues do not exceed identified demands. In so doing, the city council shall consider:

1. Construction of capital improvements by federal, state, county, special districts, or other revenue sources;

2. Receipt of unanticipated funds from other sources for construction of capital improvements;

3. New information adjusting the unit costs or trip rates for capital improvements;

4. The impact of credits and offsets on capacity increasing improvements.

B. Upon completing the review, the city council shall consider such amendments, including adjustment to specific system development charges, as are necessary to address changing conditions.
(Ord. 07-011 § 13)

15.16.140 Prohibited connection.

A person may not connect to the city's capital improvements or access a city street or right-of-way unless the appropriate system development charges have been paid.
(Ord. 07-011 § 14)

15.16.150 Transition.

A. Except as otherwise specifically allowed by the authorizing resolution described in Section 15.16.050 of this chapter, this chapter shall apply to issuance of building permits for all development for which a building permit application is received by the city on or after the effective date of the ordinance codified in this chapter. This does not include re-submittal of building permit applications previously deemed incomplete if the requested information is submitted within one hundred eighty (180) days of the date the application was first submitted.

B. Notwithstanding repeal or amendment of any other city ordinances by this chapter, said prior ordinances shall continue to be fully applicable and shall govern all building permit applications received by the city prior to the effective date of the ordinance codified in this chapter. This includes building permit applications previously deemed incomplete if the requested information submitted within one hundred eighty (180) days of the date the application was first submitted.

C. All system development charge deferrals, credits, or similar grants shall continue and be administered under the terms and conditions of the ordinances and resolutions in existence when said deferrals, credits, or similar grants were originally issued. Repeal and enactment of such ordinances and resolutions shall in no way impact any budget or appropriations, contracts, permits, condemnation proceedings, or any other formal city actions.
(Ord. 07-011 § 15)

15.16.160 Penalty.

Violations of this chapter are subject to civil penalties of no more than five hundred dollars ($500.00) for each offense. Each day that a violation is permitted to exist constitutes a separate offense.
(Ord. 07-011 § 16)

15.16.170 Construction.

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this chapter.
(Ord. 07-011 § 17)

Chapter 15.20

PARK AND RECREATION SYSTEM DEVELOPMENT CHARGES ON NEW DEVELOPMENT

Sections:

15.20.010 Scope and purpose.
15.20.020 Definitions.
15.20.030 Rules of construction.
15.20.040 Application.
15.20.050 Partial and full exemptions.
15.20.060 SDC credits.
15.20.070 Alternative calculation for SDC rate, credit, or exemption.
15.20.080 Due date of payment of SDC charges.
15.20.090 Refunds.
15.20.100 Dedicated accounts and appropriate use of accounts.
15.20.110 Challenges and appeals.
15.20.120 City review of SDC.
15.20.130 Time limit on expenditure of SDC's.
15.20.140 Implementing regulations--Amendments.
15.20.150 Amendment of the parks and recreation SDC-CIP list.
15.20.160 Severability.

15.20.010 Scope and purpose.

A. New development within Sherwood contributes to the need for capacity increases and upgrades to capital improvements for parks and recreation facilities and, therefore, new development should contribute to the funding for such capital improvements. This SDC will fund a portion of the needed capacity increases for parks and recreation facilities as identified in Sherwood parks and recreation SDC capital improvements plan (SDC-CIP).

B. The funding provided by this chapter constitutes a mandatory collection method based upon ORS 223.297 through 223.314 to assure the construction of capacity increasing improvements to parks and recreation facilities as contemplated in the Parks, Recreation and Open Space Master Plan Update 2000 and the list of projects, referred to as the parks and recreation SDC-CIP, to be funded with money collected under this chapter and incorporated as an appendix to the "City of Sherwood Parks and Recreation System Development Charges Update Methodology Report," dated May 7, 2001.

C. This chapter is intended to be a mechanism for financing only that portion of the needed capacity-increasing parks and recreation facilities associated with new development and does not represent a means to fund maintenance of existing facilities or the elimination of existing deficiencies.

D. The city hereby adopts the report entitled "City of Sherwood Parks and Recreation System Development Charges Update Methodology Report", dated May 7, 2001, and incorporates herein by this reference the assumptions, conclusions and findings in the report which refer to the determination of anticipated costs of capital improvements required to accommodate growth and the rates for the parks and recreation SDC for these capital improvements. This report is hereinafter referred to as "SDC Methodology Report." The City may from time to time amend or adopt a new SDC methodology report by resolution.
(Ord. 01-1118 § 1)

15.20.020 Definitions.

"Accessory dwelling unit" means a second dwelling unit created on a single lot with a single-family or a manufactured housing dwelling unit. The second unit is created auxiliary to, and is always smaller than the single family or manufactured housing unit.

"Administrator" means that person, or persons, appointed by the city to manage and implement this parks and recreation SDC program.

"Alternative system development charge" means an SDC established pursuant to Section 15.20.070.

"Applicant" means the person who applies for a building permit.

"Building official" means that person, or designee, certified by the state and designated as such to administer the state building codes for the city.

"Building permit" means that permit issued by a building official pursuant to the State of Oregon Structural Specialty Code Section 301 or as amended, and the State of Oregon One and Two Family Dwelling Code Section R-109 or as amended. In addition, "building permit" shall mean a manufactured home installation permit issued by the building official, relating to the placement of manufactured homes in the city.

"City" means the City of Sherwood, Oregon.

"City manager" means that person appointed by city to the position of city manager.

"Condition of development approval" is any requirement imposed on an applicant by the city, a city or county land use or limited land use decision, or site plan approval.

"Construction cost index" means the Engineering News Record (Seattle) Construction Cost Index.

"County" means Washington County, Oregon.

"Credit" means the amount by which an applicant may be able to reduce the SDC fee as provided in this chapter.

"Development" means a building or other land construction, or making a physical change in the use of a structure or land, in a manner which increases the usage of parks and recreation capital improvements or which may contribute to the need for additional or enlarged parks and recreation capital facilities.

"Duplex" means two attached single-family dwelling units on a single lot.

"Dwelling unit" means a building or a portion of a building consisting of one or more rooms, which include sleeping, cooking, and plumbing facilities and are arranged and designed as permanent living quarters for one family or household.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after

the effective date of this chapter.

"Manufactured housing" means a dwelling unit constructed off-site that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured housing park" means any place where four or more manufactured housing dwelling units are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured housing park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured housing dwelling unit per lot.

"Multi-family housing" means three or more attached dwelling units located on a single lot.

"New development" means development for which a building permit is required.

"Over-capacity" means that portion of an improvement that is built larger or with greater capacity than is necessary to serve the applicant's new development or mitigate for parks and recreation system impacts attributable to the applicant's new development.

"Parks and recreation SDC capital improvements plan" also called the "parks and recreation SDC-CIP" means the city program set forth in the SDC methodology report that identifies all of the major parks and recreation system and facilities capacity improvements projected to be funded with parks and recreation improvement fee SDC revenues.

"Permit" means a building permit.

"Previous use" means the most intensive use conducted at a particular property within the past eighteen (18) months prior to the date of application for a building permit. Where the site was used simultaneously for several different uses (mixed use) then, for the purposes of this chapter, all of the specific use categories shall be considered. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this chapter.

"Proposed use," means the use proposed by the applicant for the new development. Where the applicant proposes several different uses (mixed use) for the new development then, for purposes of this chapter, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property for purposes of this chapter.

"Qualified public improvement" means any parks and recreation system capital facility or conveyance or an interest in real property that increases the capacity of the city's parks and recreation system and is:

A. Required as a condition of development approval;

B. Identified in the city's parks and recreation SDC-CIP; and

C. Not located on or contiguous to property that is the subject of development approval; or

D. Located in whole or in part on or contiguous to property that is the subject of development approval and, in the opinion of the administrator, is required to be built larger or with greater capacity (over-capacity) than is necessary for the applicant's new development or mitigate for parks and recreation system impacts attributable to the applicant's new development. There is a rebuttable presumption that improvements built to the city's minimum standards are required to serve the applicant's new development and to mitigate for parks and recreation system impacts attributable to the applicant's new development.

"Remodel" or "remodeling" means to alter, expand or replace an existing structure.

"Row house" means an attached single-family dwelling unit on a single lot.

"Single-family dwelling unit" means one detached dwelling unit, or one-half of a duplex, or one row house; constructed on-site, and located on a single lot.

"SDC Methodology Report" means that report entitled "Sherwood Parks and Recreation System Development Charges Update Methodology Report," dated May 7, 2001.
(Ord. 01-1118 § 2)

15.20.030 Rules of construction.

For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

A. In case of any difference of meaning or implication between the text of this chapter and any caption illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary: the word "may" is permissive.

C. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

D. The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".

E. Where a regulation involves two or more connected items, conditions, provisions, or events:

1. "And" indicates that all the connected terms, conditions, provisions or events shall apply;

2. "Or" indicates that the connected items, conditions, or provisions or events may apply

singly or in any combination.

F. The word "includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. 01-1118 § 3)

15.20.040 Application.

This chapter applies to all new development throughout Sherwood. The amount of the parks and recreation SDC shall be calculated according to this section, with rates as outlined in the SDC methodology report.

A. Except as otherwise provided in this chapter, the parks and recreation SDC set forth herein shall be imposed upon all new development for which a technically complete application is filed on or after the effective date of this ordinance codified in this chapter.

B. Except as otherwise provided in this chapter, manufactured housing shall be charged at the manufactured housing SDC rate, irrespective of location.

C. Except as otherwise provided in this chapter, accessory dwelling units shall be charged at one-half the single family housing SDC rate.

D. The applicant shall at the time of application provide the administrator with the information requested on an SDC application form regarding the previous and proposed use(s) of the new development including a description of each of the previous and proposed uses for the property for which the building permit is being sought, with sufficient detail to enable the city to calculate the number of employees and dwelling units under the previous use and for the proposed use(s) of the new development.

1. For residential uses: the number of residential dwelling units, including type (i.e., single family, multi-family, etc.) for the previous and proposed use(s) of the new development.

2. For commercial uses: the square footage for each type of non-residential use (i.e., office, warehouse, retail, etc.) for the previous and proposed use(s) of the new development.

E. Except as otherwise provided in this chapter, the amount of the SDC shall be determined by calculating the SDC amount that would have been imposed for the previous use(s) of the property and' the SDC amount for the proposed use(s).

F. Notwithstanding any other provision, the dollar amounts of the SDC set forth in the SDC methodology report shall on January 1st of each year be adjusted to account for changes in the costs of acquiring and constructing parks facilities. The adjustment factor shall be based on:

1. The change in average market value of residential land in the city, according to the records of the Washington County tax assessor;

2. The portion of growth costs for land identified in the SDC-CIP;

3. The change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and

4. The portion of growth costs for construction identified in the SDC-CIP.

The adjustment shall be determined as follows:

	(Change in land value) × (Land portion)
+	(Change in construction cost index) × (Construction portion)
____	
=	Parks system development charge adjustment factor

The parks system development charge adjustment factor shall be used to adjust the parks system development charge, unless it is otherwise adjusted by the city based on adoption of an updated methodology.

15.20.050 Partial and full exemptions.

The uses listed and described in this section shall be exempt, either partially or fully, from payment of the parks and recreation SDC. Any applicant seeking an exemption under this section shall specifically request that exemption no later than the time of application for the building permit. Where new development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the new development which does not qualify for any exemption under this section shall be subject to the full SDC. Should the applicant dispute any decision by the city regarding an exemption request, the applicant must apply for an alternative exemption calculation under Section 15.20.070. The applicant has the burden of proving entitlement to any exemption so requested.

A. Temporary uses are fully exempt so long as the new development use or structure will be used for not more than one hundred (180) days in a single calendar year.

B. Alteration permits for tenant improvements are fully exempt when a change of use occurs.

C. New development which, in the administrator's opinion, will not create demands on the parks and recreation system greater than those of the present use of the property are fully exempt.

(Ord. 01-1118 § 5)

15.20.060 SDC credits.

A. The city shall grant a credit against the parks and recreation SDC, which is otherwise assessed for a new development, for any qualified public improvement(s) constructed or dedicated as part of that new development. The applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC

Credit and to a particular value of SDC credit.

B. To obtain an SDC credit, the applicant must specifically request a credit prior to the city's issuance of a building permit for the new development. In the request, the applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements for a qualified public improvement. The applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought. If, in the administrator's opinion, the improvement(s) is a qualified public improvement, and the administrator concurs with the proposed value of the improvement(s), and SDC credit shall be granted. The value of the SDC credits under this section shall be determined by the administrator based on the cost of the qualified public improvement, or the value of land dedicated, as follows:

1. For dedicated lands, the value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction;

2. For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC credit is sought;

3. For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the applicant;

4. For all improvements for which credit is sought, only the fraction of over-capacity in the improvement is eligible for SDC credit.

C. The administrator will respond to the applicant's request in writing within twenty-one (21) days of when the request is submitted. The administrator shall provide a written explanation of the decision on the SDC credit request.

D. If the applicant disputes the administrator's decision with regard to an SDC credit request, including the amount of the credit, the applicant may seek an alternative SDC credit calculation under Section 15.20.070 Any request for an alternative SDC credit calculation must be filed with the administrator in writing within ten calendar days of the written decision on the initial credit request.

E. Where the amount of an SDC credit approved by the administrator under this section exceeds the amount of the parks and recreation SDC assessed by the city upon a new development, the excess credit may be applied against parks and recreation SDC's that accrue in subsequent phases of the original development project. Any excess credit must be used not later than ten years from the date the credit is given. (01-1118 § 6)

15.20.070 Alternative calculation for SDC rate, credit, or exemption.

A. Pursuant to this section, an applicant may request an alternative SDC rate calculation, alternative SDC credit determination, or alternative SDC exemption, under the following circumstances:

1. The applicant believes that the impact on parks and recreation facilities resulting from the new

development is, or will be, less than that contemplated in the SDC methodology report, and for that reason, the applicant's SDC should be lower than that calculated by the city.

2. The applicant believes that property taxes paid by the property subject to development is, or wi1l be, more than is provided by the credit for tax payments included in the SDC methodology report, and for that reason, the applicant's SDC should be lower than that calculated by the city.

3. The applicant believes the city improperly excluded from consideration a qualified public improvement that would qualify for credit under Section 15.20.060, or the city accepted for credit a qualified public improvement, but undervalued that improvement and therefore undervalued the credit.

4. The applicant believes the city improperly rejected a request for an exemption under Section 15.20.050 for which the applicant believes it is eligible.

B. Alternative SDC rate request:

1. If an applicant believes that the assumptions for the class of structures that includes the new development are not appropriate for the subject new development, the applicant must request an alternative SDC rate calculation, under this section, no later than the time of issuance of a building permit for the new development. Alternative SDC rate calculations for occupancy must be based on analysis of occupancy of classes of structures, not on the intended occupancy of a particular new development.

2. In support of the Alternative SDC rate request, the applicant must provide complete and detailed documentation, including verifiable data, analyzed and certified by a suitable and competent professional. The applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, demographics, growth projections, and techniques of analysis as a means of supporting the proposed alternative SDC rate. The proposed alternative SDC rate calculation shall include an explanation with particularity why the rate established in the SDC methodology report does not accurately reflect the new development's impact on the city's capital improvements.

3. The administrator shall apply the alternative SDC rate if, in the administrator's opinion, the following are found:

    a. The evidence and assumptions underlying the alternative SDC rate are reasonable, correct and credible and were gathered and analyzed in compliance with generally accepted principles and methodologies consistent with this section; b. The calculation of the proposed alternative SDC rate was by a generally accepted methodology; and

    c. The proposed alternative SDC rate better or more realistically reflects the actual impact of the new development than the rate set forth in the SDC methodology report.

4. If, in the administrator's opinion, all of the above criteria are not met, the administrator shall provide to the applicant (by certified mail, return receipt requested) a written decision explaining

the basis for rejecting the proposed alternative parks and recreation SDC rate.

C Alternative SDC credit request:

1. If an applicant has requested an SDC credit pursuant to Section 15.20.060 and that request has been denied by the city, the applicant may request an alternative SDC credit calculation, under this section, no later than the time of issuance of a building permit.

2. In support of the alternative SDC credit request, the applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, analyzed and certified to by an appropriate professional, for the improvements for which the applicant is seeking credit. The applicant's supporting documentation must rely upon generally accepted sources of information, cost analysis, and techniques of analysis as a means of supporting the proposed alternative SDC credit.

3. The administrator shall apply the alternative SDC credit if, in the administrator's opinion, the following are found:

    a. The improvement(s) for which the SDC credit is sought are qualified public improvement(s);

    b. The evidence and assumptions underlying the applicant's alternative SDC credit request are reasonable, correct, and credible and were gathered and analyzed by an appropriate competent professional in compliance with generally accepted principles and methodologies; and

    c. The proposed alternative SDC credit is based on realistic, credible valuation or benefit analysis.

4. If, in the administrator's opinion, any one or more of the above criteria is not met, the administrator shall deny the request and provide to the applicant (by certified mail, return receipt requested) a written decision explaining the basis for rejecting the proposed alternative parks and recreation SDC credit proposal.

D. Alternative SDC exemption request:

1. If an applicant has requested a full or partial exemption under Section 15.20.050 and that request has been denied, the applicant may request an alternative SDC exemption under this section, no later than the time of issuance of a building permit for the new development.

2. In support of the alternative SDC exemption request, the applicant must provide complete and detailed documentation demonstrating that the applicant is entitled to one of the exemptions described in Section 15.20.050.

3. The administrator shall grant the exemption if, in the administrator's opinion, the applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in Section

15.20.050.

4. Within twenty-one (21) days of the applicant's submission of the request, the administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

(Ord. 01-1118 § 7)

15.20.080 Due date of payment of SDC charges.

The parks and recreation SDC required by this chapter to be paid is due upon issuance of the building permit.

(Ord. 01-1118 § 8)

15.20.090 Refunds.

Refunds may be given by the administrator upon finding that there was a clerical error in the calculation of the SDC. Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an alternative SDC rate calculation at the time of submission of an application for a building permit. The city shall refund to the applicant any SDC revenues not expended within ten years of receipt.

(Ord. 01-1118 § 9)

15.20.100 Dedicated accounts and appropriate use of accounts.

A. All monies derived from the parks and recreation improvement fee SDC shall be placed in the parks and recreation SDC improvement fee account and shall be used solely for the purpose of providing capacity-increasing capital improvements as identified in the adopted parks and recreation SDC-CIP as it currently exists or as hereinafter amended, and eligible administrative costs. All monies derived from the parks and recreation reimbursement fee SDC shall be placed in the parks and recreation SDC reimbursement fee account and shall be used solely for the purpose of providing capital improvements to the parks and recreation system as identified in the adopted parks and recreation SDC-CIP as it currently exists or as hereinafter amended, and eligible administrative costs. In this regard, these SDC revenues may be used for purposes that include:

1. Design and construction plan preparation;

2. Permitting;

3. Land and materials acquisition, including any costs of acquisition or condemnation;

4. Construction of parks and recreation capital improvements;

5. Design and construction of new drainage facilities required by the construction of parks and recreation capital improvements and structures;

6. Relocating utilities required by the construction of improvements;

7. Landscaping;

8. Construction management and inspection;

9. Surveying, soils and material testing;

10. Acquisition of capital equipment that is an intrinsic part of a facility;

11. Demolition that is part of the construction of any of the improvements on this list;

12. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the city to provide money to construct or acquire parks and recreation facilities;

13. Direct costs of complying with the provisions of ORS 223.297 to 223.3 14, including the consulting, legal, and administrative costs required for developing and updating the system development charges methodologies and capital improvement program; and the costs of collecting and accounting for system development charges expenditures.

B. Money on deposit in the parks and recreation SDC accounts shall not be used for:

1. Any expenditure that would be classified as a maintenance or repair expense; or

2. Costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or

3. Costs associated with acquisition or maintenance of rolling stock.

(Ord. 01-1118 § 10)

15.20.110 Challenges and appeals.

A. For purposes of this chapter, any citizen or other interested person is an aggrieved party under OCMC 13.20.070(C) and may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure. The fee for filing such a challenge shall be fifty ($50.00) dollars.

B Except where a different time for an administrator's decision is provided in this chapter, all administrator decisions shall be in writing and shall be delivered to the applicant within twenty-one (21) days of an application or other applicant request for an administrator determination. Delivery shall be deemed complete upon the earlier of actual delivery to the applicant or upon deposit by the administrator by certified mail, addressed to the address for notice applicant has designated in the application. Any person may appeal to the city council any decision of the administrator made pursuant to this chapter by filing a written request with the administrator within fourteen (14) days after the delivery of the administrator's written decision to the applicant. The fee for appealing a decision to the city council shall be fifty ($50.00) dollars. The appeal to be filed with the city council and should contain the following information:

1. The name and address of the applicant;

2. The legal description of the property in question;

3. If issued, the date the building permit was issued;

4. A brief description of the nature of the development being undertaken pursuant to the building permit;

5. If paid, the date the system development charges were paid; and

6. A statement of the reasons why the applicant is appealing a decision.

C. Upon receipt of such request, the city shall schedule a hearing before the city council at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant written notice of the time and place of the hearing. Such hearing shall be held within twenty-one (21) days of the date the appeal was filed.

D. The city council shall conduct a hearing in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedures and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.

E. Any applicant who appeals a decision pursuant to this section and desires the immediate issuance of a building permit shall pay prior to or at the time the request for hearing is filed the applicable system development charges pursuant to Section 15.20.040. Said payment shall be deemed paid under "protest" and shall not be construed as a waiver of any review rights.

F. An applicant may appeal a decision under this section without paying the applicable system development charges, but no building permit shall be issued until such system development charges are paid in the amount initially calculated or the amount approved upon completion of the review provided in this section.

G. The city council shall decide an appeal within sixty (60) days of the date of the appeal to the city council and that decision may be reviewed under ORS 34.010 to 34.100, and not otherwise.

15.20.120 City review of SDC.

A. No later than every two years as measured from initial enactment, the city shall undertake a review to determine that sufficient money will be available to help fund the parks and recreation SDC-CIP identified capacity increasing facilities; to determine whether the adopted SDC rates keep pace with inflation, whether the parks and recreation SDC-CIP should be modified, and to ensure that such facilities will not be over funded by the SDC receipts.

B. In the event that during the review referred to above, it is determined that an adjustment to the SDC is necessary for sufficient funding of the parks and recreation SDC-CIP improvements listed in the SDC methodology report, or to ensure that such parks and recreation SDC-CIP improvements are not over funded by the SDC, the city council may propose and adopt appropriately adjusted SDC's.

C. The city may from time to time amend or adopt a new SDC methodology report by resolution.
(Ord. 01-1118 § 12)

15.20.130 Time limit on expenditure of SDC's.

The city shall expend SDC revenues within ten years of receipt.
(Ord. 01-1118 § 13)

15.20.140 Implementing regulations--Amendments.

The city manager may adopt regulations to implement the provisions of this chapter.
(Ord. 01-1118 § 14)

15.20.150 Amendment of the parks and recreation SDC-CIP list.

The city may, by resolution, amend its parks and recreation SDC-CIP list, as set forth in the SDC methodology report, from time to time to add or remove projects the city deems appropriate. The administrator may, at any time, change the timing, sequence, or cost estimates for projects included in the parks and recreation SDC-CIP list.
(Ord. 01-1118 § 15)

15.20.160 Severability.

The provisions of this chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the legislative intent that this chapter would have been adopted had such an unconstitutional provision not been included herein.
(Ord. 01-1118 § 16)

Chapter 15.21

DANGEROUS BUILDINGS

Sections:

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15.21.155 Enforcement of orders.
15.21.160 Failure to commence work.
15.21.165 Interference with repair or demolition work prohibited.

15.21.010 Purpose.

A. This chapter is to provide a method (cumulative with and in addition to any other remed(ies) available to the city by law) whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or the building's occupants such that they should be required to be repaired, vacated or demolished.

B. This chapter does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms hereof.
(Ord. 07-004 § 2 (part))

15.21.015 Scope.

This chapter shall apply to all "Dangerous Buildings" as herein defined be they now in existence or which may hereafter become dangerous buildings in the city.
(Ord. 07-004 § 2 (part))

15.21.020 Alternations, additions and repairs.

All buildings or structures required to be repaired under the provisions of this chapter shall be subject to the provisions of Section 3403 of the Oregon Structural Specialty Code as it currently exists or may hereafter be amended and adopted by the state.
(Ord. 07-004 § 2 (part))

15.21.025 Administration.

The building official is hereby authorized to enforce the provisions of this chapter. The building official shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.
(Ord. 07-004 § 2 (part))

15.21.030 Inspections.

The building official and others such as the fire marshall and Washington County Health Department officials are authorized to make such inspections and take such other actions as may be required to enforce the provisions of this chapter, including (but not limited to) the issuance of stop work or similar abatement orders.
(Ord. 07-004 § 2 (part))

15.21.035 Right of entry.

A. When necessary to make an inspection to enforce the requirements imposed by the terms of this chapter (or when the building official has reasonable cause to believe there exists in a building or upon a premises a condition contrary to or in violation of this chapter making the building or premises unsafe, dangerous or hazardous) the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested.

B. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
(Ord. 07-004 § 2 (part))

15.21.040 Dangerous buildings declared to be public nuisances--Abatement.

All buildings or portions thereof determined after inspection by the building official to be dangerous as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this chapter.
(Ord. 07-004 § 2 (part))

15.21.045 Violations.

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this chapter.
(Ord. 07-004 § 2 (part))

15.21.050 Inspections of work.

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official consistent with and in the manner provided by this chapter and Sections 108 and 1701 of the currently adopted Oregon Structural Specialty Code and other relevant provisions of municipal, county or state law.
(Ord. 07-004 § 2 (part))

15.21.055 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code or the housing code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's 3rd New International Dictionary of the English Language (Unabridged, copyrighted 1986) shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Building Code," has the meaning given by the terms of ORS 455.010 to "state building code" and includes all specialty codes as defined in ORS 455.010.

"Building official" is the city's building official or such other person as may be designated as such by the building official.

"City" mean the city of Sherwood.

"Dangerous building" is any building or structure having one or more of the conditions or defects hereinafter described provided that such condition(s) or defect(s) exist to the extent that the building official or their designate can reasonably believe the life, health, property or safety of the public or the building's or structure's occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the current applicable structural code as defined in ORS Chapter 455 for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of:

    a. Dilapidation, deterioration or decay;

    b. Faulty construction;

    c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

    d. The deterioration, decay or inadequacy of its foundation; or

    e. Any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

    a. An attractive nuisance to children;

    b. A harbor for vagrants and/or criminals; or

    c. So as to enable persons to resort thereto for the purpose of committing unlawful acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, (as specified in the appropriately adopted Oregon Building Code) or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty

(50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the: (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. 07-004 § 2 (part))

15.21.060 Commencement of proceedings.

When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition thereof.
(Ord. 07-004 § 2 (part))

15.21.065 Notice and order.

The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

A. The street address and a description sufficient for identification of the premises upon which the building is located.

B. A statement that the building official has found the building dangerous with a brief factual description of the conditions found to render the building dangerous.

C. A statement of the action(s) required to be taken by the building official:

1. If the building must be repaired, the notice and order shall require all required permits be

secured therefor and the work physically commenced within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine reasonable under all of the circumstances.

2. If the building must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3. If the building or structure is to be demolished, the order shall require that the building be vacated within such time as the building official determines reasonable (not to exceed sixty (60) days from the date of the order); that all required permits be secured therefor within thirty (30) days of the date of the order; and that the demolition be completed within such time as the building official determines reasonable thereafter.

D. Statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official:

1. Will order the building vacated and posted to prevent further occupancy until the work is completed; and

2. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

E. Statements advising:

1. That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the municipal court provided the appeal is made in writing as provided in this chapter and filed with the building official within fourteen (14) days from the date of service of such notice and order; and

2. That failure to appeal will constitute a waiver of all right to a hearing and determination of the matter.

(Ord. 07-004 § 2 (part))

15.21.070 Service of notice and order.

The notice and order (and any amended or supplemental notice and order) shall be served upon the record owner and posted on the property with a copy thereof being served on each of the following (if known to the building official or disclosed from official public records);

A. The holder of any mortgage or deed of trust or other lien or encumbrance of record;

B. The owner or holder of any lease of record; and

C. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.
(Ord. 07-004 § 2 (part))

15.21.075 Method of service.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, to each such person at their address as it appears in the Washington County tax records or as otherwise known to the building official. If no address of such person appears or is known to the building official, then a copy of the notice and order shall be mailed (addressed to such person) at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
(Ord. 07-004 § 2 (part))

15.21.080 Proof of service.

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.
(Ord. 07-004 § 2 (part))

15.21.085 Repair, vacation and demolition.

A. Any building declared a dangerous building under this chapter shall be made to comply with one of the following:

1. The building shall be repaired in accordance with the current state building code or other current code applicable to the type of substandard conditions requiring repair; or

2. The building shall be demolished consistent with subsection D of this section.

B. If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

C. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the building's occupants, it shall be ordered vacated, secured and maintained against entry.

D. If a building or structure is found to be or becomes dangerous and if (in the opinion of the building official) the building or structure is not, under current circumstances likely to be repaired so as to be habitable within one hundred twenty (120) days, it may be ordered demolished by the building official with the cost thereof borne by the owners. In the event the building official determines that a building is to be

demolished, the building official shall make a written order which includes the circumstances supporting demolition. The order shall be served on all persons entitled to notice under Section 15.21.070 and is subject to a twenty-one (21) day appeal consistent with the provisions of Section 15.21.100.
(Ord. 07-004 § 2 (part))

15.21.090 Notice to vacate--Posting.

Every notice to vacate shall, in addition to being served shall be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is unlawful to occupy this building or to remove or deface this notice.

City Building Official

City of Sherwood, Oregon

(Ord. 07-004 § 2 (part))

15.21.095 Compliance with notice to vacate.

A. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 15.21.065 reciting the emergency and specifying the conditions which necessitate the posting.

B. No person shall remain in or enter any building which has been so posted except that entry may be made to repair, demolish or remove such building under permit.

C. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and all lawful requirements been met.
(Ord. 07-004 § 2 (part))

15.21.100 Form of appeal.

A. Any person entitled to service under Section 15.21.070 may appeal from any notice and order or any action of the building official under this chapter by filing with the municipal court a written appeal containing:

1. A heading in the words: "Before the Municipal Court of the City of Sherwood, Oregon."

2. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the building or the land involved in the notice and order.

3. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested order or action should be reversed, modified or otherwise set aside.

4. The signatures of all parties named as appellants and their official mailing addresses.

5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal shall be filed within fourteen (14) days of the date of service of the building official's order or action; however if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 15.21.090, such appeal shall be filed not later than ten days from the date of the service of the notice and order of the building official.
(Ord. 07-004 § 2 (part))

15.21.105 Scheduling appeal for hearing.

As soon as practicable after receiving the written appeal, the municipal court shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than ten nor more than sixty (60) days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the court either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.
(Ord. 07-004 § 2 (part))

15.21.110 Effect of failure to appeal.

Failure of any person to file an appeal in accordance with the provisions of Section 15.21.100 shall constitute a waiver of the right to a hearing and adjudication of the notice and order or any portion thereof.
(Ord. 07-004 § 2 (part))

15.21.115 Scope of appeal hearing--Stay of order.

A. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

B. Except for vacation orders made pursuant to Section 15.21.085, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.
(Ord. 07-004 § 2 (part))

15.21.120 Form of notice of hearing to appellant.

The notice to the appellant(s) shall be substantially in the following form:

"You are hereby notified that a hearing will be held before the _____ Municipal Court at on the _____ day of _____, 20_____ at the hour _____ upon the notice and order served upon you for alleged violation(s) of Chapter 15.21 (Dangerous Buildings) of the Sherwood Municipal Code. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present relevant evidence and will be given full opportunity to - examine all witnesses."
(Ord. 07-004 § 2 (part))

15.21.125 Record.

A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the court.
(Ord. 07-004 § 2 (part))

15.21.130 Conduct of hearings.

Hearings need not be conducted according to the technical rules relating to evidence and witnesses. Oral evidence shall be taken on oath or affirmation. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in Oregon. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in Oregon. Irrelevant and unduly repetitious evidence shall be excluded.
(Ord. 07-004 § 2 (part))

15.21.135 Rights of parties.

The city and the appellant(s) shall be able:

A. To call and examine witnesses on matters relevant to the issues of the hearing;

B. To introduce documentary and physical evidence;

C. To cross-examine opposing witnesses;

D. To rebut evidence; and

E. To be represented by anyone lawfully permitted to do so.
(Ord. 07-004 § 2 (part))

15.21.140 Official notice.

In reaching a decision, official notice may be taken (either before or after submission of the case for decision) of any fact which may be judicially noticeable by Oregon courts. Parties present at the hearing shall be informed of the matters to be noticed which is to be noted in the record. Parties present at the hearing shall be given a reasonable opportunity to refute the noticed matters by evidence or by written or oral presentation of

authority.
(Ord. 07-004 § 2 (part))

15.21.145 Inspection of the premises.

The court may inspect any building involved in an appeal during the course of the hearing provided that: notice of such inspection shall be given the parties before the inspection is made; the parties are given an opportunity to be present during the inspection; and, the judge shall state for the record after said inspection the material facts observed and the conclusions drawn therefrom.
(Ord. 07-004 § 2 (part))

15.21.150 Form of decision--Judicial review.

A. With appeals heard by the municipal court, the court shall within a reasonable time (not to exceed ninety (90) days from the date the hearing is closed) prepare a written decision which shall contain findings of fact, a determination of the issues presented and the requirements, if any, to be complied with. The effective date of the decision shall be as stated therein. A copy of the decision shall be delivered to the city and appellant by regular mail, postage prepaid.

B. Judicial review of the court's decision shall be by way of writ of review as provided for in ORS 34.010 to ORS 34.100.
(Ord. 07-004 § 2 (part))

15.21.155 Enforcement of orders.

After any order of the building official or municipal court made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If, the person to whom such order is directed fails neglects or refuses to comply with said order, the building official may take any and all actions deemed by him, in consultation with the city manager and city attorney to be appropriate including the filing of supplementary enforcement or compliance action(s) in a court of competent jurisdiction.
(Ord. 07-004 § 2 (part))

15.21.160 Failure to commence work.

Whenever the required repair or demolition is not commenced within thirty (30) days after any final notice and order issued under this chapter becomes effective:

A. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is unlawful to occupy this building or to remove or deface this notice.

B. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.

C. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provide for the collective of assessment or nuisance liens under state statute or city code. Any surplus realized from the sale of any such building or from the demolition thereof, over and above the cost of demolition, administrative costs and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.
(Ord. 07-004 § 2 (part))

15.21.165 Interference with repair or demolition work prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the city, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.
(Ord. 07-004 § 2 (part))

Chapter 15.24

EROSION PREVENTION AND SEDIMENT CONTROL

Sections:

15.24.010 Title.
15.24.020 Purpose and policy.
15.24.030 Authority.
15.24.040 Definitions.
15.24.050 Erosion prohibited.
15.24.060 Erosion control permits required.
15.24.070 Permit process.
15.24.080 Maintenance.
15.24.090 Inspection.
15.24.100 Physical erosion.
15.24.110 Permit fee.

15.24.120 Bond and insurance.

15.24.010 Title.

The ordinance codified in this chapter shall be known, and may be pleaded as the city of Sherwood erosion prevention and sediment control ordinance.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.020 Purpose and policy.

The purpose of this chapter is to reduce the amount of sediment and other pollutants reaching the public sanitary storm and surface water systems resulting from development, construction, grading, excavation, clearing and any other activity which causes or accelerates erosion and to protect wetland, habitat and natural areas within the city, regardless of whether construction or development is occurring at the site. The objective is to control erosion at its source as a means of maintaining and improving water quality and minimizing water pollution, downstream flooding and wildlife habitat damage.

Temporary and permanent measures for all construction projects and land disturbance activities are required to lessen the adverse effects of these activities on the environment. The owner or contractor shall properly install, operate and maintain both temporary and permanent works as provided in this chapter or in an approved plan to protect the environment during the term of the project. Nothing in this chapter shall relieve any person from the obligation to comply with the rules, regulations or permits of any federal, state, or local authority. No permit under this chapter will be issued until land use approval has been granted, unless land use approval is not required.

Failure to comply with the provisions of this chapter is a violation of this code.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.030 Authority.

The city has the authority to take remedial action to abate any condition on property within the city which causes or threatens to cause a public health hazard or a discharge of pollutants to the sanitary or storm water system, or the surface waters of the state, not otherwise permitted by city codes, permits or appropriate county, state or federal rules and regulations.

The rules and regulations of clean water services including R&O 07-20 June 2007 as amended are adopted and made part of this code by reference.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.040 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive.

"Contractor" means the property owner or authorized agent as defined in ORS 701 -- Construction

Contractors Board.

"CWS" or "district" means clean water services.

"Development" has the meaning in the SMC Chapter 16.10.

"Erosion" means the detachment and/or movement of soil particles, rock fragments, mulch, fill or sediment attributable to the flow or pressure from water, wind, gravity, frost and ice or from development activities.

"Sensitive area" means and includes existing and created wetlands; rivers, streams, and springs whether flow is perennial or intermittent; or natural lakes, ponds, and in-stream impoundments.

"SMC" means the Sherwood Municipal Code.

"The property" or "the site" means the subject real property.

"Visible or measurable erosion" means and includes, but is not limited to:

1. Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or into the sanitary or storm and surface water systems, either by direct deposit, dropping, discharge, or as a result of the action of erosion.

2. Evidence of concentrated flows of water over bare soils, turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site using appropriate control measures.

3. Earth slides, mud flows, earth sloughing, or other earth movement which leaves the property.

"Wetland, habitat and natural areas" has the meaning in SMC Chapter 16.144 Wetland, Habitat, and Natural Areas.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.050 Erosion prohibited.

Visible or measurable erosion which enters or is likely to enter the public sanitary, storm and surface water system or leaves the property on which it originates is prohibited. The owner of the property from which erosion originates and any person whose activity on the property causes such erosion shall be deemed responsible for causing such erosion and shall be responsible to stop erosion, to cleanup past erosion, and to prevent erosion from occurring in the future.

The city manager or designee may develop additional erosion control guidelines if such guidelines will equally prevent or protect against erosion. If the city manager develops and applies additional guidelines for implementing erosion control measures, such guidelines shall be published and made available to the public.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.060 Erosion control permits required.

Except as noted below, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the city.

Such changes to land shall include, but are not limited to grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the city has issued an erosion control permit covering such work, or the city has determined that no such permit is required.

No public agency or body shall undertake any public works project without first obtaining an erosion control permit covering such work, or receiving a determination from the city that none is required.

An erosion control permit is not required for the following:

A. For work of a minor nature provided all of the following criteria are met:

1. A complete and reviewed CWS service provider letter;

2. The work does not require a development permit or land use approval from the city;

3. No development activity or disturbance of land surface occurs within one hundred (100) feet of the boundary of a sensitive area, wetland, habitat, or natural area;

4. The slope of the site is less than twenty (20) percent;

5. The work on the site involves the disturbance of less than five hundred (500) square feet of land surface; and

6. The excavation, fill or combination thereof involves less than twenty (20) cubic yards of material.

B. A permit is not required for interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.

C. A permit is not required for activities within the city which constitute accepted farming practices as defined in ORS 30.930, provided erosion does not cause sedimentation in waters of the state.

An exception from the permit requirement shall not relieve the property or its owner from the prohibitions described in this chapter.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.070 Permit process.

Application for a grading or erosion control permit shall include the following:

A. A completed city application form;

B. A copy of the CWS service provider letter and a 1200-C permit if applicable;

C. Site specific plans with details and specifications necessary to demonstrate the proposed methods and interim facilities to be constructed or used during construction to control erosion. For applications not requiring a 1200-C permit, two complete sets are required. For applications that require a 1200-C permit, six complete sets are required;

D. Payment of appropriate fees and charges.

(Ord. 08-013 § 1 (Exh. A)(part))

15.24.080 Maintenance.

The property owner or holder of an erosion control permit shall at all times maintain the facilities covered by and follow the techniques contained in an approved erosion control plan. If the facilities and techniques approved in an erosion control plan are not effective or sufficient as determined by city site inspection, the permittee shall submit a revised plan within three working days of written notification either by personal delivery or regular mail from the city. Upon approval of the revised plan by the city, the permittee shall immediately implement the additional or revised facilities and techniques of the revised plan. In cases where erosion is occurring, the city may require the applicant to install interim control measures prior to submittal of the revised erosion control plan.

In no event will the city be responsible for the failure of any approved erosion control plan.

(Ord. 08-013 § 1 (Exh. A)(part))

15.24.090 Inspection.

Prior to initiating activities on the site, the permit holder must request an inspection of the site's erosion control measures from the city. The city may conduct follow-up inspections at its discretion.

(Ord. 08-013 § 1 (Exh. A)(part))

15.24.100 Physical erosion.

No person shall drag, drop, track or otherwise place or deposit, or allow to be placed or deposited mud, dirt, rock or other debris upon a public street or into any part of a public sanitary, storm or surface water system which drains or connects to the public storm or a surface water system. Any such deposit of material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm or surface water system without approved erosion control measures first being installed to the satisfaction of the city.

(Ord. 08-013 § 1 (Exh. A)(part))

15.24.110 Permit fee.

The city may establish a fee for the review of plans, administration, inspection and field enforcement.

No permit shall be issued and no regulated activity requiring a permit shall occur until required fees are first paid.
(Ord. 08-013 § 1 (Exh. A)(part))

15.24.120 Bond and insurance.

A performance bond and project insurance are required for projects with a cost estimate for the work greater than ten thousand dollars ($10,000.00). Public utilities are exempt from posting performance bonds and insurance if the project is less than one hundred thousand dollars ($100,000.00) and if the utility has provided a letter to the city demonstrating that they are both self insured and bonded. An exemption letter must be provided to the city on a yearly basis.

A performance bond is required to insure the performance and timely completion of the work in accordance with the terms and provisions of the permit. The bond shall indemnify and save harmless the city of Sherwood and members thereof, its officers, employees and agents, against any direct or indirect damages or claim of every kind and description that shall be suffered or claimed to be suffered in connection with or arising out of the work covered by the permit. The bond amount shall equal or exceed the value of the work but in no case be less than ten thousand dollars ($10,000.00).

The owner or contractor shall maintain in force for the duration of this permit insurance coverage for general liability not less than five hundred thousand dollars ($500,000.00).
(Ord. 08-013 § 1 (Exh. A)(part))

Chapter 15.28

ENFORCEMENT AND REMEDIES

Sections:
15.28.010 Purpose.
15.28.020 Definitions.
15.28.030 Responsible officer.
15.28.040 Violation.
15.28.050 Nonexclusivity.
15.28.060 Separate violations.
15.28.070 Notice of violation--Service.
15.28.080 Stop work orders.
15.28.090 Appeals.
15.28.100 Penalties.

15.28.010 Purpose.

This chapter is to ensure all construction activity (including erosion control and demolition of structures) taking place in the city conforms to the applicable provisions of the Sherwood Municipal Code (SMC) as well as rules and regulations of clean water services (CWS). It does this by providing the city manager (or their designate) with authority to issue stop work and other orders, impose civil penalties and take such remedial action(s) as are deemed reasonable and necessary by the city manager to effect compliance with the SMC or

CWS rule or regulation.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.020 Definitions.

As used in this chapter, the following terms shall, unless the context requires differently, shall mean as follows:

"City" means the city of Sherwood, Oregon.

"City manager" means the Sherwood city manager and includes any person(s) designated by the city manager to enforce the terms of this chapter.

"CWS" means clean water services.

"Imminent public health hazard" means any condition posing an immediate threat to the health or safety of the public at large or property in the city.

"Person" means and includes any person or entity capable of or owning owning/controlling real property in the city, including (but not limited to) individuals, partnerships, corporations and unincorporated associations.

"SMC" means Sherwood Municipal Code.

"Structure" means an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.030 Responsible officer.

The city manager or their designate is authorized to enforce the provisions of this chapter. That person(s) has authority to investigate complaints and conduct inspection(s) deemed necessary to ensure compliance with the terms of the SMC, CWS rules and regulations and/or a permit lawfully issued by an appropriate authority.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.040 Violation.

No person shall allow, suffer or permit any activity associated with the construction, repair, reconstruction, demolition and/or maintenance of a structure located in the city to occur without said activity conforming to the requirements imposed by the SMC and/or CWS rules and regulations on that activity and consistent with the terms of permit(s) lawfully issued by an appropriate authority for said activity.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.050 Nonexclusivity.

This chapter is in addition to any other right or remedy afforded the city as may be provided elsewhere in the city code or as allowed under state or federal law to enforce the terms of its code and other regulation(s) including right(s) or remedy to summarily abate condition(s) on property within or without the city which threaten to or cause an imminent public health hazard in the city.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.060 Separate violations.

Each violation of a separate provision of the SMC, CWS rule or regulation or permit term or condition over which the city has jurisdiction may be treated as a separate violation and each day a violation is committed, is allowed or suffered to continue may also be deemed a separate violation.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.070 Notice of violation--Service.

A. If a violation is determined to exist, the city manager will deliver or cause to be delivered notice of the violation to the owner(s) of the property and/or such other person(s) as the city manager reasonably believes is "a person in charge" of the property and/or violation. A "person in charge of the property" is one who has access to and/or control over the property and its use.

B. Notice shall be accomplished by either personal service or by certified first class mail, return receipt requested. Notice may also be posted on the property or in any manner or combination of manners which under all the circumstances is most reasonably calculated to apprise the person(s) of the existence of the violation and pendency of the notice.

C. The notice shall contain, at a minimum, the following:

1. Location and nature of the violation;

2. The provision or provision(s) of this code or other regulation(s) or permit term(s) over which the city has jurisdiction that have been violated;

3. Whether the manager is seeking imposition of civil penalties and if so, the amount and the reasons supporting imposition thereof consistent with the reasons set out in SMC Section 15.28.100;

4. The effective date of the notice;

5. The existence of a right to appeal the notice of violation and, if applicable, the imposition and/or amount of any civil penalty or other cost sought by the city manager consistent with SMC Section 15.28.090; and

6. That failure to appeal any civil penalty or other cost sought by the city may result in the imposition of a lien on the property for the amount of said civil penalty or cost.

D. A defect in the notice neither affects the validity thereof nor its enforceability.

(Ord. 08-014 § 1 (Exh. A)(part))

15.28.080 Stop work orders.

A. The city manager may order any or all work reasonably believed to contribute to the violation(s) to be immediately stopped, curtailed or adjusted so as to minimize or eliminate any adverse impact(s) to persons or property as a result of the violation(s).

B. A stop work order will be in writing and delivered, in a manner consistent with the provisions set out in Section 15.28.070.

C. Upon receipt of the stop work order, all work, conduct or activity identified in the stop work order as being violative of the SMC, CWS rule or regulation or lawfully issued permit shall immediately cease and not thereafter recommence until authorized by the city manager in writing, such other regulatory agency with jurisdiction over the work, the city's municipal court or other court of competent jurisdiction.

D. Remedial work to abate or minimize the effects of the violation may occur while a stop work order is outstanding if approved in advance and in writing by the city manager.

E. The failure to stop work consistent with this provision shall constitute a separate violation of the Sherwood Municipal Code.

F. In the event that the city manager reasonably believes that condition(s) on property are such as to constitute an immediate threat to the health, safety and welfare of the city or any of its residents, and the owner or person in charge thereof fails, refuses or neglects to effectively remediate the condition as required by the city manager, the city manager may then take such actions as are deemed necessary and appropriate to remediate the condition and to thereafter make the city's costs for such actions a lien on the property.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.090 Appeals.

A. Any person entitled to notice under Section 15.28.070 or 15.28.080 may appeal the notice by filing an appeal with the municipal court. Any appeal must be filed not later than ten working days after the effective date of the notice or order. The appeal must be in writing and contain, at a minimum information on the following:

1. A heading entitled: "Before the Municipal Court for the City of Sherwood, Oregon."

2. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the property involved in the notice.

3. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested notice or action should be reversed, modified or otherwise set aside.

4. The signatures of all parties named as appellants and their official mailing addresses and

telephone numbers.

B. The municipal court shall schedule a hearing on the appeal as soon as is reasonably possible, but in no event later than thirty (30) days after receipt of the appeal, unless otherwise agreed to by the city and appellants. At the time of the hearing on the appeal, the court shall allow city and appellant to present evidence with the burden thereof supporting a fact or position resting on the proponent of the fact or position. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. The municipal court shall give effect to the rules of privilege recognized by law.

C. After the close of the hearing, the court shall issue a written order setting out the basis for its determination and may affirm, modify or reverse the decision of the city manager and may also take or order such other action(s) as are deemed appropriate to effect the court's determination, including the payment of any costs.

D. The order of the municipal court is final and judicially reviewable only as provided by the terms of ORS 34.010 to ORS 34.100.
(Ord. 08-014 § 1 (Exh. A)(part))

15.28.100 Penalties.

A. Unless specifically limited elsewhere in the Sherwood Municipal Code, the city manager is authorized to seek a civil penalty from any violator in an amount of up to one thousand dollars ($1,000.00) for violation of any of the provision(s) of the SMC, CWS rules and regulations or a lawfully issued permit.

B. When determining the amount of a civil penalty, the city manager and, if appealed, the municipal court shall consider, at a minimum, the following factors and set out in the notice or determination those believed to apply to a situation:

1. Prior violations and whether those violations were remedied in a timely manner;

2. The magnitude of the violation;

3. Whether the violation was repeated or continuous; and

4. Whether the violation was intentional or otherwise.
(Ord. 08-014 § 1 (Exh. A)(part))

DEVELOPMENT CODE CROSS REFERENCES TABLE

Prior Code §	Herein
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1.101	Ch. 16.02
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STATUTORY REFERENCES

FOR

OREGON CITIES

The statutory references listed below refer the code user to state statutes applicable to Oregon cities. They are up to date through July, 2009.

General Provisions

Incorporation of cities

ORS §§ 221.005 et seq.

City charters

Oregon Const. Art. XI, § 2

Charter amendments

ORS § 221.210

Boundary changes

ORS ch. 222

Ordinances

ORS §§ 221.275 et seq.

Enforcement of ordinances

ORS §§ 30.315 and 221.315

Procedures for infractions, violations and traffic offenses

ORS ch. 153

Elections

ORS §§ 221.180, 221.200, 221.230

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ORS §§ 221.210 and 250.255 et seq.

Administration and Personnel

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ORS §§ 221.110 et seq.

Municipal courts

ORS §§ 221.140, 221.336 et seq.

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ORS § 192.610 et seq.

Emergency management and services

ORS ch. 401

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ORS § 227.010 et seq.

Revenue and Finance

Financial administration

ORS ch. 294

Public contracts and purchasing

ORS chs. 279A--279C

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ORS ch. 223

Limitations on powers of city to assist corporations

Oregon Const. Art. XI § 9

Revenue sharing for cities

ORS § 221.770

Business Licenses and Regulations

Licensing and taxation

ORS ch. 221

Taxation of liquor prohibited

ORS § 473.190

Animals

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ORS ch. 609

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ORS § 433.340 et seq.

Health and Safety

General authority

ORS § 221.410

Health Hazard Abatement Law

ORS § 222.840 et seq.

Camping by homeless

ORS § 203.077 et seq.

Fireworks

ORS § 480.110 et seq.

Public Peace, Morals and Welfare

General authority

ORS § 221.410

State penal code

ORS title 16

Curfew

ORS § 419C.680

Firearms regulation

ORS § 166.170 et seq.

Public intoxication

ORS § 430.325

Vehicles and Traffic

Oregon vehicle code

ORS title 59

Local authority

ORS §§ 801.038, 801.040

Rules of the road

ORS ch. 811

Driving under influence of intoxicants

ORS ch. 813

Off-road vehicles

ORS ch. 821

Abandoned vehicles

ORS ch. 819

Parking offenses

ORS § 221.275 et seq.

Bicycles

ORS § 814.400 et seq.

Streets, Sidewalks and Public Places

City improvements and works

ORS ch. 223

City parks, memorials and cemeteries

ORS ch. 226

Public Services

Municipal utilities

ORS ch. 225

Regulation of public utilities

ORS § 221.420 et seq.

City sewers and sanitation

ORS ch. 224

System development charges

ORS § 223.297 et seq.

Buildings and Construction

State building code

ORS ch. 455

Adoption of codes by reference

ORS § 221.330

Radio antennas

ORS § 221.295

Subdivisions

Subdivisions and partitions

ORS ch. 92

Zoning

City planning and zoning

ORS ch. 227

RESOLUTION LIST

Resolution Number	
03-015	Approves indebtedness of the agency in the form of an intergovernmental agreement (Special)
03-080	Authorizes loan and enters into contract (Special)
03-086	Declares to acquire certain property (Special)
03-087	Authorizes city manager to enter into an agreement (Special)
03-088	Set fees for certain traffic violations (Special)
03-089	Approves intergovernmental agreement (Special)
03-090	Appoints Mr. Cam Durrell to the planning advisory committee (Special)
03-091	Adopts procedures for disposition of surplus municipal property (Special)
03-096	Authorizes city manager to sign the agreement (Special)
04-001	Amends Ord. 2003-089, intergovernmental agreement (Special)
04-002	Appoints John Urban to the library advisory board (Special)
04-003	Authorizes city manager to enter into contract (Special)
04-004	Appoints Lisa Thoele to the Sherwood cultural arts commission (Special)
04-005	Approves financing agreement (Special)
04-006	Amends parks, recreation and open space master plan (Special)
04-007	Grants permanent road easement (Special)
04-008	Authorizes city manager to enter into contract (Special)

04-009	Authorizes city manager to enter into contract (Special)
04-010	Authorizes sale of general obligation refunding bonds (Special)
04-011	Adopts supplemental budget and making appropriations (Special)
04-012	Approves $610,000 of indebtedness for an indoor soccer field public facility (Special)
04-013	Authorizes city manager to sign an amendment to a well protection easement (Special)
04-014	Revises membership of the Sherwood urban renewal planning advisory committee (Special)
04-015	Declares April 5, 2004 through April 10, 2004 as court amnesty week (Special)
04-016	Authorizes city manager to enter into an agreement (Special)
04-017	Authorizes city manager to enter into design contract (Special)
04-018	Appoints Mr. Dan Balza to a four-year term on planning commission (Special)
04-019	Establishes policy for neighborhood traffic management devices and superseding Res. 2001-975 (Special)
04-020	Appoints Matt Nolan to the planning commission (Special)
04-021	Awards the bid for the Oregon-Murdock roundabout landscape improvements (Special)
04-022	Approves 2004 council goals (Special)
04-023	Authorizes issuance of a request for proposals (Special)
04-024	Reappoints Mr. Patrick Allen to the planning commission (Special)
04-025	Updates the parks and recreation system development charges methodology and rates (Special)

04-026	Authorizes issuance of a request for proposals (Special)
04-027	Authorizes the city manager to sign contract documents with Portland General Broadband (Special)
04-028	Appoints the budget officer for fiscal year 2004-05 (Special)
04-029	Appoints Dan King to the planning commission (Special)
04-030	Adjusts solid waste collection rates (Special)
04-031	Authorizes the city manager to enter into a design contract (Special)
04-032	Appoints Stacie Gordon to the Sherwood cultural arts commission (Special)
04-033	Appoints independent auditors for fiscal years ending 2004-06 (Special)
04-034	Approves the contract with Portland general broadband (Special)
04-035	Awards contract for upgrade of the high school football field to Field Turfbuilders (Special)
04-036	Establishes voluntary water conservation campaign (Special)
04-037	Authorizes city manager to sign an intergovernmental agreement (Special)
04-038	Adopts schedule of fees (Special)
04-039	Establishes telecommunications fund (Special)
04-040	Appoints Marilyn Smith to the Sherwood cultural arts commission (Special)
04-041	Approves the adoption of maintenance standards (Special)
04-042	Authorizes city manager to enter into contract (Special)
04-043	Confirms names of city parks and naming of pioneer park (Special)
04-044	Amends Res. 2001-983, to ratify the tentative agreement (Special)

04-045	Awards bid for 2004 street slurry seal program for fiscal year 2004-2005 (Special)
04-046	Adopts 2004-05 budget (Special)
04-047	Declares election to receive state revenues (Special)
04-048	Disburses funds to cities (Special)
04-050	Approves annexation proposal (Special)
04-051	Establishes percentage public utility fee (Special)
04-052	Adopts supplemental budget and making appropriations (Special)
04-054	Approves increase fund for senior center classroom addition project (Special)
04-056	Appoints Andrea Hackett to the library advisory board (Special)
04-057	Approves the Sherwood civic building design (Special)
04-058	Authorizes city manager to enter into a design contract (Special)
04-059	Authorizes city manager to enter into a design contract (Special)
04-060	Authorizes city manager to sign a renewal of the intergovernmental agreement (Special)
04-061	Grants solid waste collection franchise (Special)
04-062	Authorizes city manager to enter into agreement (Special)
04-063	Authorizes city manager to enter into contract (Special)
04-065	Special election (Special)
04-066	Approves intergovernmental agreement (Special)
04-067	Authorizes change of banks for selected services (Special)
04-068	Approves substandard cul-de-sac within the Darlakay court preliminary subdivision plat (Special)
04-069	Updates signers for transactions with financial institutions (Special)

04-070	Designates the urban renewal district manager Jim Patterson city manager pro tem (Special)
04-071	Appoints Jeffrey Crapper to the parks and recreation board (Special)
04-072	Appoints Joel Thompson to the parks and recreation board (Special)
04-073	Authorizes city manager to enter into contract (Special)
04-074	Opposes the formation of electric people's utility districts (Special)
04-075	Adopts findings for the city council denial of an appeal (Special)
04-077	Updates the parks and recreation system development charges methodology and rates (Special)
04-078	Amends the parks and recreation system development charges rates (Special)
04-079	Authorizes an interfund loan (Special)
04-080	Authorizes city manager to enter into an agreement (Special)
04-081	Authorizes city manager to enter into contract (Special)
04-082	Establishes the telecommunication advisory board (Special)
04-089	Expresses its opposition to state ballot measure 37 (Special)
04-090	Authorizes the formation of the Area 59 citizen's advisory committee (Special)
04-091	Appoints to the cannery site development advisory committee (Special)
04-092	Awards the bid for Sunset Park - Phase 3 (Special)
04-093	Approves contract for upgrade of the high school lights (Special)
04-094	Amends schedule of fees (Special)
04-095	Updates the parks system development charges (Special)

04-096	Proclaims November, 2004 election results and directing the record (Special)
04-097	Appoints Councilor Lee Weislogel and Mayor Mark Cottle to a two years term to the Sherwood urban renewal planning advisory committee (Special)
04-098	Appoints an Area 59 citizen's advisory committee (Special)
04-099	Grants the raindrops to refuge (R2R) organization (Special)
04-100	Appoints telecommunications advisory board (Special)
04-101	Adopts storm sewer system (MS4) permit renewal (Special)
04-102	Authorizes city manager to enter into contract (Special)
04-103	Adopts salary schedules for AFSCME (Special)
04-104	Authorized city manager to proceed with final design (Special)
05-001	Appoints Debbi Canepa and reappointing Jan Chambers, Liz Myers and Holli Robinson to the library advisory board (Special)
05-002	Appoints the budget officer for fiscal year 2005-2006 (Special)
05-003	Approves amendments to a financing agreement (Special)
05-004	Adopts supplemental budget and making appropriations (Special)
05-005	Authorizes the mayor or his designee to sign an intergovernmental agreement (Special)
05-006	Adopts public contracting rules (1.10)
05-007	Approves a settlement with DLR group architects relative to the design and construction (Special)
05-008	Calls for an election to submit a new home rule charter (Charter)
05-009	Authorizes city manager to enter into contract (Special)

05-010	(Failed)
05-011	Appoints Mark Batemand and Ron Kachergius to the budget committee (Special)
05-012	Approves minor change to planned unit development (Special)
05-013	Authorizes city manager to enter into contract (Special)
05-014	Renames Wapato Street to Roellich Avenue (Repealed by 05-017)
05-015	Reappoints Patrick Allen and Matt Nolan to a four-year term on planning commission (Special)
05-016	Authorizes the city to enter into an agreement (Special)
05-017	Repeals Res. 05-014 (Repealer)
05-018	Authorizes the reappointment of Kristyana Lationalis and the appointment of Jeff Munro, Glen Foster, Julie Lebrun and Blake Hasley to the parks and recreation board (Special)
05-019	Appoints Todd Skelton to an eleven-month term and Russell Griffin to a four-year term on planning commission (Special)
05-020	Reappoints Karen Tasker Mathews and Bernie Danylchuk to a two-year term to the Sherwood cultural arts commission (Special)
05-021	Awards the Sherwood fieldhouse re-roof, re-bid contract (Special)
05-022	Authorizes Robinson construction (Special)
05-023	Adopts 2005 city council goals (Special)
05-024	Approves change of funding source for the Sherwood high school turf field (Special)
05-025	Directs staff to prepare appropriate legislation (Special)
05-026	Reappoints Robyn Folsom and Shelly Lamb and appointing Pamela McCormick to the Sherwood cultural arts commission (Special)

05-027	Ratifies city of Sherwood police department's intergovernmental agreement (Special)
05-028	(Failed)
05-029	Supports grant application for the Brookman addition concept plan (Special)
05-030	Supports grant application for the quarry area concept plan (Special)
05-031	Approves intergovernmental agreement (Special)
05-032	Imposes a requirement for the mandatory prequalification for all persons desiring to bid on the contract for acting as general contractor for building the downtown streetscape improvements project - Phase A (Special)
05-033	Adopts supplemental budget and making appropriations (Special)
05-034	Adopts schedule of fees as authorized by the city zoning and community development code (Special)
05-035	Adopts 2005-2006 budget (Special)
05-036	Declares election to receive state revenues (Special)
05-037	Disburses funds to cities (Special)
05-038	Approves financing agreement (Special)
05-039	Authorizes an interfund loan (Special)
05-040	Ratifies intergovernmental agreement (Special)
05-041	Awards bid for city Slurry seal services for fiscal year 2005-2006 (Special)
05-042	Authorizes city manager to enter into an agreement (Special)
05-043	Calls for an election for Willamette river water (Special)
05-044	Authorizes city manager to sign updated intergovernmental agreement (Special)
05-045	Authorizes transfer of real property (Special)
05-046	(Number not used)
05-047	Amends intergovernmental agreement (Special)

05-048	Authorizes city manager to enter into an agreement (Special)
05-049	Appoints Ann Roseberry and Colin Woodbury library advisory board (Special)
05-050	Adjusts solid waste collection rates (Special)
05-051	Directs city recorder to publish notice of selling real property (Special)
05-052	Awards downtown streetscape improvements - Phase A contract (Special)
05-053	Authorizes city manager to execute a contract (Special)
05-054	Sets out a proposed ballot title for a measure (Special)
05-055	Sets out a draft ballot title for a measure (Special)
05-056	Authorizes city manager to enter into a contract (Special)
05-057	Accepts water system master plan (Special)
05-058	Calls for an election on November 8, 2005 (Special)
05-059	Authorizes participation in a study of the SE Sherwood study area (Special)
05-060	Authorizes city manager to execute a lease agreement (Special)
05-061	Designates oversight to the parks and recreation board (Special)
05-062	Approves cooperative library advisory board structure and governance changes (Special)
05-063	Authorizes city manager to complete the sale (Special)
05-064	Approves issuance of city purchasing card (Special)
05-066	Authorizes city manager to complete the sale of library (Special)
05-068	Approves local matching grant to Metro for the Tonquin Creek Trail (Special)
05-069	Disapproves method for distribution of funds (Special)
05-070	Supports code assistance application for the creation of infill standards (Special)

05-071	Approves the Washington County cooperative library advisory board structure and governance changes (Special)
05-072	Authorizes the city manager to enter into a contract (Special)
05-073	Repeals Res. 2001-962 (Repealer)
05-074	Adopts construction standards for installation of conduit and splice (Special)
05-075	Vacates a portion of highland street (Special)
05-076	Grants authority to city manager to waive development and construction fees (Special)
05-077	Authorizes lines of credit to finance water rights and improvements (Special)
06-001	Adopts salary schedule for non-represented employees (Special)
06-002	Establishes utilization and management of parking spaces behind the new city hall library (Special)
06-003	Authorizes city manager to enter into standardize service contract (Special)
URA 06-003	Adopts 2006-07 budget of urban renewal agency (Special)
06-004	Authorizes the city manager to enter into an agreement (Special)
06-005	Changes fees for parks systems development charges (Special)
06-006	Approves renewal of the agreement with Sherwood Senior Citizens, Inc. (Special)
06-007	Updates Sherwood water system development charges methodology and rates (Special)
06-008	Approves annexation proposal (Special)
06-009	Renames Sunset Park to Snyder Park (Special)
06-010	Appoints budget officer for fiscal year 2006-07 (Special)
06-011	Appoints Perry Francis and re-appoints Steve Munsterman to the budget committee (Special)

06-012	Reappoints Colin Woodbury and appoints Nancy Ellingson to the library advisory board (Special)
06-013	Authorizes city manager to donate to the Friends of the Refuge for their grand opening ceremonies (Special)
06-014	Approves increase to the Sherwood broadband 2005 asset construction project (Special)
06-015	2006 metro bond potential projects map (Special)
06-016	Supports the proposed 2006 metro bond measure (Special)
06-017	Approves concept plan map Area 59 (Special)
06-018	Authorizes the interim financing loan agreement (Special)
06-019	Authorizes city manager to oversee city office center management (Special)
06-020	Appoints Todd Skelton to the planning commission (Special)
06-021	Appoints Jennifer Squires to the budget committee (Special)
06-022	Approves 2006 council goals (Special)
06-023	Authorizes city manager to proceed with final design and construction of the American legion parking lot (Special)
06-024	Reappoints Adrian Emery to the planning commission (Special)
06-025	Directs staff to prepare an ordinance vacating a portion of Handley Street and placing a public utility easement over the vacated portion of the street (Special)
06-026	Directs staff to install "No Parking" sign on Dewey Drive (Special)
06-027	Adopts schedule of fees as authorized by the city zoning and community development code (Special)
06-028	Assists the state officer responsible for disbursing funds to cities (Special)

06-029	Declares the city's election to receive state revenues (Special)
06-030	Directs staff to install "Loading Zone -- 15 Minute Parking" sign on Main Street in front of the McCormick building (Special)
06-031	Authorizes city manager to enter into an intergovernmental agreement with Washington County (Special)
06-032	(Not used)
06-033	(Not used)
06-034	Adopts supplemental budget and makes appropriations (Special)
06-035	Adopts 2006--2007 budget (Special)
06-036	Authorizes city manager to enter into an intergovernmental agreement (Special)
06-037	Approves the 2006 revisions to Washington County--Sherwood urban planning area agreement (Special)
06-038	Adopts the national incident management system (NIMS) (Special)
06-039	Canvasses returns of the May 16, 2006 election (Special)
06-040	(Not used)
06-041	(Not used)
06-042	Approves financing agreements for costs of urban renewal projects (Special)
06-043	(Passed)
06-044	Awards bid for janitorial services for fiscal year 2006--2007 (Special)
06-045	Approves to increase a contract with Howard S. Wright Construction Co. (Special)
06-046	Authorizes two reappointments to the parks and recreation board (Special)
06-047	Authoring appointment to the parks and recreation board (Special)

06-048	Directs staff to prepare an ordinance to vacate the current row for the proposed SW Galbreath Road (Special)
06-049	Declares the need to acquire certain property for the construction of Pine Street (Special)
06-050	Proclaims annexation of land with a zoning designation of very low density residential (Special)
06-051	Ratifies the contract agreement between the city and Afscme local 1777 (Special)
06-052	Authorizes to enter into a change order agreement for construction of a pavement overlay (Special)
06-053	Requires immediate possession of certain property for right-of-way purposes (Special)
06-054	Approves modification to Woodhaven PUD (PUD 93-3) to allow development in phases (Special)
06-055	Establishes date and fee schedule for calculation of system development charges, transportation impact fees and connection charges (Special)
06-056	Supports the Sherwood school district ballot measure 34-130 (Special)
06-057	Approves new parks master plan and authorizes the initiation of a plan amendment to the comprehensive plan (Special)
06-058	Supports the levy renewal for maintaining public safety countywide services--measure 34-127 (Special)
06-059	Supports the Washington County cooperative library services--ballot measure 34-126 (Special)
06-060	Authorizes city manager to enter into a contract (Special)
06-061	(Number not used)

06-062	Adopts the transportation system development charge methodology and rate study (Special)
06-063	Appoints Nathan Forster to the library advisory board (Special)
06-064	Authorizes city manager to enter into an intergovernmental agreement (Special)
06-065	(Tabled)
06-066	Urges the state to support the residences of manufactured home parks (Special)
06-067	Authorizes city manager to enter into a contract (Special)
06-068	Establishes taxable fringe benefits policy (Special)
06-069	Initiates a street name change (Special)
06-070	Authorizes an intergovernmental agreement (Special)
06-071	Proclaims November 7, 2006 general election results and directing the record (Special)

ORDINANCE LIST AND DISPOSITION TABLE

As of Supplement No. 9, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number	
57	Water franchise (Special)
62	Grants franchise to Tualatin Valley Electric Co. (Special)
63	Grants lighting franchise to Tualatin Valley Electric Co. (Special)
1	(Repealed by 536)
2	(Repealed by 526)
3	(Repealed by 526)
4	(Repealed by 536)
5	(Repealed by 536)
6	(Repealed by 526)
7	(Repealed by 536)
8	(Repealed by 536)
9	Budget and tax levy (Special)
10	(Repealed by 536)
11	(Repealed by 526)
12	(Repealed by 536)
13	(Repealed by 526)
14	(Repealed by 536)
15	(Repealed by 39)
16	(Repealed by 526)
17	(Repealed by 526)
18	(Repealed by 526)
19	(Repealed by 526)
20	(Repealed by 536)
21	(Repealed by 526)
22	(Repealed by 536)
23	Budget and tax levy (Special)
24	(Repealed by 526)
25	(Repealed by 526)
26	(Repealed by 526)
27	(Repealed by 526)
28	Budget and tax levy (Special)
29	(Repealed by 526)
30	Grants franchise to Tualatin Valley Electric Co. (Special)
31	Budget and tax levy (Special)
32	(Repealed by 526)
33	(Repealed by 526)
34	(Repealed by 526)
35	(Repealed by 526)

36	(Repealed by 526)
37	Budget and tax levy (Special)
38	(Repealed by 105)
39	Repeals Ord. 15 (Repealer)
40	(Repealed by 526)
41	Budget and tax levy (Special)
42	Budget and tax levy (Special)
43	(Repealed by 526)
44	Street vacation (Special)
45	(Repealed by 526)
46	(Repealed by 536)
47	Budget and tax levy (Special)
48	(Repealed by 526)
48A	Sidewalk improvement (Special)
49	[5-13-21] (Repealed by 526)
49	[6-8-21] Street improvement (Special)
49A	Budget and tax levy (Special)
50	Grants oil storage franchise (Special)
51	(Missing)
52	Bond issuance (Special)
53	(Repealed by 526)
54	(Repealed by 526)
55	Budget and tax levy (Special)
56	(Repealed by 526)
57	Budget and tax levy (Special)
58	Special election (Special)
59	Budget and tax levy (Special)
60	(Repealed by 526)
61	Sanitary sewer assessment (Special)
62	Sewer assessment (Special)
63	Grants franchise to Tualatin Valley
	Electric Co. (Special)
64	Street grades (Special)
65	Sewer bonds (Special)
66	(Repealed by 77)
67	Street improvement (Special)
68	Street improvement (Special)
69	Street improvement (Special)
70	Street improvement (Special)
71	Street improvement (Special)

72	Street improvement (Special)
73	Street improvement (Special)
74	Street improvement (Special)
75	Street improvement (Special)
76	Street improvement (Special)
77	Repeals Ord. 66 (Repealer)
78	Street improvement (Special)
79	Street improvement (Special)
80	Street improvement (Special)
81	Street assessment (Special)
82	(Repealed by 91)
83	Street assessment (Special)
84	Street assessment (Special)
85	Street assessment (Special)
86	Street assessment (Special)
87	Street improvement (Special)
88	Street assessment (Special)
89	Street assessment (Special)
90	Bond issuance (Special)
91	Repeals Ord. 82 (Repealer)
92	Street improvement (Special)
93	Bond issuance (Special)
94	Street assessment (Special)
95	Street assessment (Special)
96	Street improvement (Special)
97	Budget and tax levy (Special)
98	Street improvement (Special)
99	[4-14-26] Authorizes lease (Special)
99	[5-7-26] Grants franchise to Yamhill (Special)
100	Budget and tax levy (Special)
101	(Repealed by 536)
102	(Repealed by 536)
103	Budget and tax levy (Special)
104	(Repealed by 536)
105	Repeals Ord. 38 (Repealer)
106	Budget and tax levy (Special)
107	(Repealed by 536)
108	Budget and tax levy (Special)
109	Grants franchise to West Coast

	Telephone Company (Special)
110	Budget and tax levy (Special)
111	Grants franchise to Portland Gas and Coke (Special)
112	Street vacation (Special)
113--122	(Missing)
123	Grants franchise to Yamhill Electric Co. (Special)
124	Pinball games, game tables, electronic and other game devices (5.08)
125--139	(Missing)
140	(Repealed by 536)
141	(Missing)
142	[8-4-45] Grants franchise to West
	Coast Telephone Company (Special)
142	[11-7-46] Increases franchise fee (Special)
143--198	(Missing)
199	(Repealed by 555)
200	(Repealed by 536)
200Y2	Bond issuance (Special)
200Y2a	Bond issuance (Special)
200'/2b	Annexation (Special)
201	(Repealed by 526)
202	Annexation (Special)
400	Initiative and referendum powers (Repealed by 98-1038)
401	Special election (Special)
402	(Repealed by 588)
403	Sewer facility charges (13.12)
404	(Missing)
405	Grants franchise to West Coast Telephone Co. (Special)
406	(Repealed by 526)
407	Delinquent sewer service charges (13.12)
408	(Repealed by 644)
409	Sewer improvement (Special)
410	Sewer assessment (Special)
411	(Repealed by 536)
412	Grants garbage disposal franchise (Special)
413	Special election (Special)
413A	Street vacation (Special)
414	Grants franchise (Repealed by 623 and 627)
500	(Repealed by 526)
501	Special election (Special)
502	Bond issuance (Special)

503	(Repealed by 526)
504	Bond issuance (Special)
505	Grants franchise to Portland Gas and Coke Co. (Special)
506	(Repealed by 546)
507	Amends Ord. 403, sewer facility charges (Not sent)
508	(Repealed by 584)
509	(Repealed by 726)
510	Street name change (Special)
511	(Repealed by 526)
512	Grants franchise to West Coast Telephone Co. (Repealed by 607)
513	Amends Ord. 403, sewer facility charges (Not sent)
514	Water service (Repealed by 01-1115)
515	(Repealed by 588)
516	(Repealed by 588)
517	Swimming pools, fishponds and other decorative bodies of water (15.12)
518	(Repealed by 652)
519	House numbering (Not sent)
520	(Repealed by 567)
521	City Hall sinking fund (Special)
522	Special election (Special)
523	Special election (Special)
524	(Repealed by 588)
525	Annexation (Special)
526	Repeals Ords. 2, 3, 6, 11, 13, 16, 17, 18, 19, 21, 24, 25, 26, 27, 29, 32, 33, 34, 35, 36, 40, 43, 45, 48, 49, 53, 54, 56, 60, 201, 406, 500, 503, 511, 516 (Repealer)
527	(Repealed by 641)
528	(Repealed by 573)
529	Alcoholic liquor (5.20)
530	Sewer system (13.08)
531	(Repealed by 641)
532	Amends Ord. 124, pinball games, game tables, electronic and other game devices (Not codified)
533	(Repealed by 599)
534	Amends Ord. 514, water service (Not sent)
535	(Repealed by 641)
536	Repeals Ords. 1, 4, 5, 7, 8, 10, 12, 14, 20, 46, 101, 102, 104, 107, 140, 200, 411 (Repealer)

537	Bond issuance (Special)
538	Annexation (Special)
539	Annexation (Special)
540	Annexation (Special)
541	(Special)
542	(Repealed by 588)
543	Special election (Special)
544	Special election (Special)
545	(Repealed by 611)
546	(Repealed by 644)
547	Annexation (Special)
548	Annexation (Special)
549	Business licenses and regulation (Repealed by 08-001)
550	Public library (Repealed by 88-889)
551	Amends Ord. 514, water service (Not sent)
552	Withdraws certain parcels from rural fire protection district (Special)
553	Amends Ord. 403, sewer facility charges (13.12)
554	Grants garbage disposal franchise (Special)
555	Adds § 11 to Ord. 549, business licenses and regulation (Not codified)
556	Grants garbage disposal franchise (Special)
557	Annexation (Special)
558	Annexation (Special)
559	Annexation (Special)
560	Dumping (9.36)
561	(Repealed by 629)
562	Special election (Special)
563	Annexation (Special)
564	(Repealed by 588)
565	Annexation (Special)
566	Zone change, annexation and boundary change fees (Repealed by 98-1049)
567	Adds §§ 415, 417, 418 and 419 to and amends §§ 401 and 413 of Ord. 530, sewer system (13.08)
568	(Repealed by 588)
569	Annexation (Special)
570	(Repealed by 588)
571	Annexation (Special)
572	(Repealed by 652)
573	Fire prevention (Repealed by 98-1049)
574	Annexation (Special)
575	(Repealed by 588)
576	Annexation (Special)
577	Special election (Special)
578	Annexation (Special)
579	Bond issuance (Special)

580	Bond issuance (Special)
581	Annexation (Special)
582	Special election (Special)
583	Special election (Special)
584	(Repealed by 658)
585	(Repealed by 644)
586	(Repealed by 588)
587	(Repealed by 588)
588	Repeals Ords. 586 and 587 (Repealed by 726)
589	Easement vacation (Special)
590	Annexation (Special)
591	City supervisor (Repealed by 98-1049)
592	Sewer improvement (Special)
593	Water line repair and replacement sinking fund (Special)
594	Sewer line repair and replacement sinking fund (Special)
595	(Repealed by 644)
596	Adds § 416 to Ord. 530, sewer system (13.08)
597	Sewer improvement (Special)
598	(Repealed by 644)
599	Vehicles and traffic; repeals Ord. 533 (10.08, 10.12)
600	Standard specifications for street construction (Not codified)
601	Bond issuance (Special)
602	Amends §§ 4 and 5 of Ord. 514, water service (Repealed by 01-1115)
603	(Superseded by 816)
604	Sewer improvements (Special)
605	Criminal procedure (Repealed by 98-1043)
606	Sewer improvements (Special)
607	Grants franchise to General Telephone Co. of the Northwest, Inc. (Special)
608	Adopts and ratifies the fire prevention code adopted by Tualatin rural fire protection district (Repealed by 98-1049)
609	Bond issuance (Special)
610	Rezone (Special)
611	Planning commission (Repealed by 98-1049)
612	Special election (Special)
613	Bond issuance (Special)

614	Amends Ord. 599, vehicles and traffic (Repealed by 86-837)
615	(Superseded by 816)
616	Bond issuance (Special)
617	Amends §§ 4 and 5 of Ord. 514, water service (Repealed by 01-1115)
618	Garbage collection rates (Special)
619	Right-of-way acquisition (Special)
620	(Repealed by 726)
621	(Repealed by 726)
622	(Repealed by 726)
623	Grants franchise to Portland General Electric Co. (Special)
624	Annexation (Special)
625	Annexation (Special)
626	Budget and tax levy (Special)
627	Grants franchise to Portland General Electric Co. (Special)
628	Annexation (Special)
629	Adds § 8 to Ch. VIII of Ord. 599, vehicles and traffic (10.08)
630	Rezone (Special)
631	Amends § 6 of Ord. 549, business licenses and regulation (Repealed by 08-001)
632	Budget and tax levy (Special)
633	Budget and tax levy (Special)
634	(Repealed by 726)
635	(Repealed by 726)
636	Amends Ord. 599, vehicles and traffic (Repealed by 86-837)
637	Amends Ord. 600, standard specifications for street construction (Not codified)
638	Annexation (Special)
639	Rezone (Special)
640	Amends §§ 3 and 4 of Ord. 549, business licenses and regulation (Repealed by 08-001)
641	Police code; repeals Ords. 527, 531, 535 and §§ 2, 4, 5 and 17 of Ord. 529 (9.04, 9.08. 9.12, 9.16, 9.20, 9.24, 9.28, 9.32, 9.36, 9.44)
642	Amends Ord. 599, vehicles and traffic (Repealed by 86-837)

643	Amends §§ 2--5 of Ord. 611, planning commission (Repealed by 98-1049)
644	(Repealed by 742)
645	Budget and tax levy (Special)
646	(Repealed by 726)
647	Budget and tax levy (Special)
648	Water hookup outside city for certain private residence (Special)
649	Budget and tax levy (Special)
650	Special election (Special)
651	Budget and tax levy (Special)
652	(Repealed by 726)
653	Public areas and parks (12.12)
654	Rezone (Special)
655	Sewer assessment (Special)
656	Special election (Special)
657	Amends §§ 3--6, 10 and 11 of Ord. 514, water service (Repealed by 01-1115)
658	Dog control; repeals Ord. 584 (6.04)
659	Authorizes condemnation proceedings for acquisition of park land (Special)
660	Dispenses with fund established by Ord. 593 (Special)
661	Budget and tax levy (Special)
662	Grants franchise to Northwest Natural Gas Co. (Special)
663	Annexation (Special)
664	Public contract procedure (Repealed by 94-993)
665	Equipment rental (Special)
666	Budget and tax levy (Special)
667	Amends Ord. 599, vehicles and traffic (10.08)
668	Amends §§ 3--6; repeals § 8 of Ord. 500, public library (Repealed by 88-889)
669	Special election (Special)
670	Amends Ord. 599, vehicles and traffic (Repealed by 86-837)
671	Amends Ord. 599, vehicles and traffic (Repealed by 86-837)
672	Amends §§ 1 and 4 of Ord. 591, city supervisor (Repealed by 98-1049)

673	Garbage disposal (Repealed by 816)
674	Amends § 417 of Ord. 530, sewer service (Repealed by 91-927)
675	Garbage rates (Special)
676	Annexation (Special)
677	Annexation (Special)
678	(Repealed by 726)
679	Amends §§ 3 and 4 of Ord. 549, business licenses and regulation (Repealed by 08-001)
680	(Repealed by 742)
681	Equipment rental (Repealed by 05-004)
682	Sidewalks (12.08)
683	(Special)
684	Rezone (Special)
685	Rezone (Special)
686	Personnel system (Repealed by 02-1129)
687	(Repealed by 726)
688	(Repealed by 726)
689	(Superseded by 726)
690	Grants certain conditional use (Special)
691	Adds § 7A to Ord. 514, water system (Repealed by 99-1076)
692	(Special)
693	Grants certain conditional use (Special)
694	Rezone (Special)
695	Rezone (Special)
696	Grants certain conditional use (Special)
697	Building reserve fund (Special)
698	Amends Ord. 673, garbage disposal (Repealed by 816)
699	(Repealed by 726)
700	Moving buildings (15.08)
701	Rezone (Special)
702	Annexation (Special)
703	Amends § 9(a)(2) of Ch. 8 of Ord. 599, vehicles and traffic (10.08)
704	Rezone (Special)
705	(Repealed by 726)
706	(Repealed by 726)
707	Rezone (Special)
708	Grants certain conditional use (Special)
709	Elects to receive state revenue sharing funds (Special)

710	Establishes Rock Creek water and sewer improvement district (Special)
711	Rezone (Special)
712	Adds § 9(a)(7) to Ch. 8 of Ord. 599, vehicles and traffic (10.08)
713	(Repealed by 726)
714	Rezone (Special)
715	(Repealed by 747)
716	Establishes Willamette Street sewer improvement district (Special)
717	Rezone (Special)
718	Amends Ord. 673, garbage disposal (Repealed by 816)
719	Special election (Special)
720	Elects to receive state revenue sharing funds (Special)
721	Amends § 5 of Ord. 514, water service (Repealed by 01-1115)
722	Rezone (Special)
723	Grants certain conditional use (Special)
724	Special election (Special)
725	Special election (Special)
726	Adopts comprehensive plan; repeals Ords. 509, 588, 652, 699 and 706 (Repealed by 86-851)
727	Grants certain conditional use (Special)
728	Storm drainage systems development charge (Repealed by 91-927)
729	Grants certain conditional use (Special)
730	Water and sewer improvement assessment (Special)
731	Water and sewer improvement assessment (Special)
732	Annexation (Special)
733	Amends Ord. 731, water and sewer improvement assessment (Special)
734	Land use decision (Special)
735	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
735A	Grants franchise to General Telephone Company of the Northwest, Inc. (Special)
736	Annexation (Special)
737	Amends Ord. 726, comprehensive plan (Repealed by 86-851)

738	Local improvement procedures (3.04)
739	Elects to receive state revenue sharing funds (Special)
740	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
741	Amends §§ 1--8 of Ord. 124, pinball games, game tables, electronic and other game devices (5.08)
742	Buildings and construction; repeals Ord. 644 (Repealed by 90-912)
743	(Vetoed)
744	Amends § 3 of Ord. 550, public library (Repealed by 88-889)
745	Street vacation (Special)
746	Rezone (Special)
747	Cable communications; repeals Ord. 715 (Repealed by 2003-1143)
748	Annexation (Special)
749	Street vacation (Special)
750	Annexation (Special)
751	Grants certain conditional use (Special)
752	Annexation (Special)
753	Grants certain conditional use (Special)
754	Grants certain land use permit (Special)
755	Rezone (Special)
756	Rezone (Special)
757	Annexation (Special)
758	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
759	Water and sewer improvement assessment (Special)
760	Water and sewer improvement assessment (Special)
761	Establishes Cedar Creek sanitary sewer improvement district (Special)
762	Grants certain land use permit (Special)
763	Grants certain conditional use (Special)
764	Bridle paths (10.12)
765	Annexation (Special)
766	Bond issuance (Special)
767	Elects to receive state revenue sharing funds (Special)

768	Amends § 4 of Ord. 514, water service (Repealed by 91-927)
769	Rezone (Special)
770	Special election (Special)
770A	Rezone (Special)
771	Establishes Murdock Road street and sanitary sewer improvement district (Special)
772	Establishes Sunset Boulevard street improvement district (Special)
773	Establishes Highland-Willamette street improvement district (Special)
774	Water and sewer improvement assessment (Special)
775	Street improvement assessment (Special)
776	Street and sewer improvement assessment (Special)
777	Street improvement assessment (Special)
778	Sewer improvement assessment (Special)
779	Bond issuance (Special)
780	Rezone (Special)
781	Grants certain conditional use (Special)
782	Adds § 12A to Ord. 738, local improvement procedures (3.04)
783	Annexation (Special)
784	Annexation (Special)
785	Rezone (Special)
786	Reapportions certain sewer improvement assessment (Special)
787	Grants certain conditional use (Special)
788	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
789	Rezone (Special)
790	Amends § 4(a) of Ord. 591, city supervisor (Repealed by 98-1049)
791	Taxicab services (5.24)
792	Bonding of assessments in certain local improvement districts (Special)
793	Bond issuance (Special)
793A	Amends Ord. 673, garbage disposal (Repealed by 816)

794	Amends §§ 4 and 5 of Ord. 514, water service (Repealed by 01-1115)
795	Amends § 417 of Ord. 530, sewer service (Repealed by 91-927)
796	Reapportions certain water and sewer improvement assessment (Special)
797	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
798	Establishes Edy Road water and sewer improvement district (Special)
799	Disposition of abandoned or unclaimed property (2.28)
800	Special election (Special)
801	Special election (Special)
802	Special election (Special)
803	Amends § 4 of Ord. 514, water service (Repealed by 91-927)
804	Elects to receive state revenue sharing funds (Special)
805	Special election (Special)
806	Street vacation (Special)
807	Nomination of candidates to elective offices (Repealed by 05-008)
808	Amends Ord. 806, street vacation (Special)
809	Water and sewer improvement assessment (Special)
810	Bonding of assessments in certain local improvement districts (Special)
811	Special election (Special)
812	Special election (Special)
813	Amends Ord. 599, vehicles and traffic (Repealed by 86-837)
814	Parks and recreation board (2.16)
815	Bingo and lotto games (Repealed by 88-872)
816	Solid waste management; repeals Ords. 673 and 793A (Repealed by 89-899)
817	Rezone (Special)
818	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
819	Interim financing for repair and improvement of streets (Special)

820	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
821	Amends § 5 of Ord. 514, water service (Repealed by 01-1115)
822	(Not passed)
823	Street light service charge (Expired)
824	Special election (Special)
825	Reapportions certain sewer improvement assessments (Special)
826	Elects to receive state revenue sharing funds (Special)
827	Rezone (Special)
828	Reapportions certain sewer improvement assessment (Special)
829	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
830	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
831	Changes city boundaries and corporate limits (Special)
832	Amends § 417 of Ord. 530, sewer service (Repealed by 91-927)
833	Parking regulations (Not sent)
86-834	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
86-835	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
86-836	Amends Ord. 726, comprehensive plan (Repealed by 86-851)
86-837	Motor vehicle code; amends §§ 1--7 of Ch. VIII of Ord. 599; repeals Chs. I--VII and § 26 of Ch. IX of Ord. 599 (10.04, 10.08)
86-838	Grants garbage disposal franchise (Special)
86-839	Special election (Special)
86-840	(Number not used)
86-841	Parking regulations (10.08)
86-842	Rezone (Special)
86-843	Segregation of assessment (Special)
86-844	Election to receive state revenues (Special)

86-845	Amends §§ 3 and 4 of Ord. 549, business licenses and regulation (Repealed by 08-001)
86-846	Amends community development code Ch. 1, § 5.01 (Repealed by 86-851)
86-847	Special election (Special)
86-848	Approves certain planned unit development (Special)
86-849	Special election (Special)
86-850	(Failed)
86-851	Adopts revised zoning and community development code (16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14, 16.16, 16.18, 16.20, 16.22, 16.24, 16.26, 16.28, 16.30, 16.32, 16.34, 16.36, 16.38, 16.40, 16.42, 16.44, 16.46, 16.48, 16.50, 16.52, 16.54, 16.56, 16.58, 16.60, 16.62, 16.64, 16.66, 16.68, 16.70, 16.72, 16.74, 16.76, 16.78, 16.80, 16.82, 16.84, 16.86, 16.88, 16.90, 16.92, 16.94, 16.96, 16.98, 16.100, 16.102, 16.104, 16.106, 16.108, 16.110, 16.112, 16.114, 16.116, 16.118, 16.120, 16.122, 16.124, 16.126, 16.128, 16.130, 16.132, 16.134, 16.136)
86-852	Parking regulations (10.08)
86-853	Rezone (Special)
86-854	Rezone (Special)
87-855	Authorizes extension of city water service to certain property outside the city limits (Special)
87-856	(Failed)
87-857	Vehicle impoundment (Repealed by 95-1000)
87-858	Renumbers §§ 17--26 to be 18--27, adds new § 17 and repeals and replaces §§ 15 and 16 of Ch. IX of Ord. 599, vehicles and traffic (10.12)
87-859	Incorporates the Old Town overlay zone into the zoning and community development code (Repealed by 92-946)
87-860	Amends zoning map to implement Old Town overlay zone (Special)

87-861	Adds subsections (g) and (h) to and amends §§ 5 and 11 of Ord. 514, water service (Repealed by 01-1115)
87-862	Amends § 11(a) of Ord. 514, water service (Repealed by 01-1115)
87-863	Amends § 6 of Ord. 816, solid waste management (Repealed by 98-1049)
87-864	Amends §§ 8(4) and 8(5) of Ord. 816, solid waste management (Repealed by 89-899)
87-865	Amends § 5(f) of Ord. 514, water service (Repealed by 01-1115)
87-866	Elects to receive state revenue sharing funds (Special)
87-867	Repeals and replaces §§ 1.202.40 through 1.202.52 and 2.114 of the community development code, floodplain regulations (16.08)
87-868	Fees and charges for city services (Repealed by 98-1049)
87-869	Repeals and replaces § 5.803.01 of the community zoning and development code (16.120)
87-870	Adds definitions to § 1.202; repeals and replaces §§ 2.107--2.109 and repeals § 2.106 of and deletes all references to office commercial zone in community zoning and development code (16.08, 16.22, 16.24, 16.26)
87-871	Rezone (Special)
88-872	Bingo, lotto and raffle games; repeals Ord. 815 (5.12)
88-873	Zones certain property (Special)
88-874	Special election (Special)
88-875	Rezone (Special)
88-876	Rezone (Special)
88-877	Rezone (Special)
88-878	Rezone (Special)
88-879	Repeals and replaces § 2.114 of the zoning and community development code (16.108)

88-880	Adds § 3(f) to Ord. 549, business licenses and regulations (Repealed by 08-001)
88-881	Special election (Special)
88-882	Elects to receive state revenue sharing funds (Special)
88-883	Rezone (Special)
88-884	Rezone (Special)
88-885	Special election (Special)
88-886	Approves certain planned unit development overlay zoning district (Special)
88-887	Segregation of assessments (Special)
88-888	Amends solid waste collection rates (Repealed by 98-1049)
88-889	Library board; repeals Ord. 550 (Repealed by 03-1142)
88-890	Rezone (Special)
89-891	Approves certain planned unit development overlay zoning district (Special)
89-892	Rezone (Special)
89-893	Solid waste collection rates (Repealed by 98-1049)
89-894	Alarm systems (8.08)
89-895	Adds § 5(c) to Ord. 549, business licenses and regulation (Repealed by 08-001)
89-896	Elects to receive state revenue sharing funds (Special)
89-897	Solid waste collection rates (Repealed by 98-1049)
89-898	Amends §§ 2.205 and 2.206 of, repeals §§ 1.202.01 and 7.600 of and deletes references to manufactured home subdivisions in § 2.101.02B in the zoning and community development code (16.40)
89-899	Solid waste management; repeals Ords. 673, 793A, 816, 864 and § 4 of Ord. 893 (8.20)
89-900	Amends §§ 5.602, 6.302 and 6.602 of the zoning and community development code (Repealed by 91-927)
89-901	Adds § 5.504 to and amends § 5.503 of the zoning and community development code (16.74)

89-902	Amends § 5 of Ord. 514, water system (Repealed by 01-1115)
89-903	Approves certain planned unit development plan and district (Repealed by 90-909)
89-904	Rezone (Special)
90-905	Bond issuance (Special)
90-906	Amends Ch. 3, §§ 4.100, 4.603 and 5.102 of and repeals § 4.200.02 of zoning and community development code (16.48, 16.50, 16.52, 16.54, 16.64, 16.66, 16.98)
90-907	Special election (Special)
90-908	Adopts agreements between city and unified sewerage agency for sanitary sewerage and surface water services (13.16)
90-909	Approves certain planned unit development plan and overlay zoning district; repeals Ord. 89-903 (Special)
90-910	Amends §§ 7 and 8 of Ord. 735 [735A], telephone franchise fees (Special)
90-911	Special election (Special)
90-912	Buildings and construction; repeals Ord. 742 (Repealed by 93-958)
90-913	Elects to receive state revenue sharing funds (Special)
90-914	Street vacation (Special)
90-915	Amends Ord. 89-897, solid waste collection rates; amends § 3(13)(a) of Ord. 89-899, solid waste management (8.20)
90-916	Segregation of assessments (Special)
90-917a	Utility easement vacation (Special)
90-917	Special election (Special)
90-918	Special election (Special)
90-919	Transfer of assessments (Special)
90-920	Adopts comprehensive revision of city zoning map (Special)
90-921	Adds § 2.106 to and amends § 2.101 of zoning and community development code (16.10, 16.20)

91-922	Adopts update of comprehensive land use plan (Not codified)
91-923	Amends §§ 5(a) and (b); repeals § 5(f) of Ord. 514, water service (Repealed by 01-1115)
91-924	Special election (Special)
91-925	Amends §§ 3 and 4 of Ord. 549, business licenses and regulations (Repealed by 08-001)
91-926	Amends § 4(d) of Ord. 88-889, library board (2.12)
91-927	System development charges; repeals § 4 of Ord. 514, §§ 417, 418 and 419 of Ord. 530, Ord. 728, and §§ 6.302, 6.602 and 8.304.02 of zoning and community development code (Repealed by 07-011)
91-928	Rezone (Special)
91-929	Amends Ord. 90-915, solid waste collection rates (Repealed by 98-1049)
91-930	Grants franchise to General Telephone Company of the Northwest, Inc. (Special)
91-931	Elects to receive state revenue sharing funds (Special)
91-932	Fees and charges for miscellaneous city services (Repealed by 98-1049)
91-933	Amends Ord. 91-930, franchise grant (Special)
91-934	Amends Ord. 91-929, solid waste collection rates (Repealed by 98-1049)
91-935	Zones certain annexed property (Special)
91-936	Zones certain annexed property (Special)
91-937	Zones certain annexed property (Special)
91-938	Zones certain annexed property (Special)
91-939	Street name change (Special)
91-940	Rezone (Special)
91-941	Repeals and replaces § 19 of Art. VIII of Ord. 641, police code (9.36)
92-942	Public records (2.20)
92-943	Approves certain legislative amendments to the zoning and development code (16.60, 16.116)

92-944	Special election (Special)
92-945	Amends §§ 5(a) and (b) of Ord. 514, water service (Repealed by 01-1115)
92-946	Repeals and replaces Ch. 9 of zoning and community development code, historic preservation (Repealed by 94-990)
92-947	Adds § 6.301.02 to zoning and community development code, street naming (16.82)
92-948	Election to receive state revenue sharing funds (Special)
92-949	Amends Ord. 91-929, solid waste collection rates (Repealed by 98-1049)
92-950	Zones certain annexed property (Special)
92-951	Grants franchise to Portland General Electric (Special)
92-952	Zones certain annexed property (Special)
92-953	Special election (Special)
92-954	Advisory board members (2.08)
92-955	Amends § 4(d) of Ord. 814, parks and recreation board (2.16)
93-956	Street name change (Special)
93-957	Adopts Tualatin Valley fire and rescue fire codes; repeals Res. 91-492 (Repealed by 98-1049)
93-958	Buildings and construction; repeals Ord. 90-912 (Repealed by 96-1015)
93-959	Zones certain annexed property (Special)
93-960	Utility easement vacation (Special)
93-961	Amends §§ 5(a) and (b) of Ord. 514, water service (Repealed by 01-1115)
93-962	Connection to city water system (Repealed by 01-115)
93-963	Special election (Special)
93-964	Approves certain legislative amendments to zoning and development code (16.26, 16.28, 16.30, 16.46)
93-965	Approves certain planned unit development district (Special)

93-966	Approves certain legislative amendments to zoning and development code (16.08, 16.28, 16.30, 16.114, 16.118, 16.124)
93-967	Fees and charges for city services (Repealed by 98-1049)
93-968	Election to receive state revenue sharing funds (Special)
93-969	Amends § 15(d) of Ord. 514, water service (Repealed by 01-1115)
93-970	Amends § 5(a) and (b) of Ord. 514, water service (Repealed by 01-1115)
93-971	Amends § 3 of Ord. 549, business licenses and regulation (Repealed by 08-001)
93-972	Stormwater master plan (Special)
93-973	Amends Ord. 92-949, solid waste collection rates (Repealed by 98-1049)
93-974	Approves certain planned unit development district (Special)
93-975	Zones certain annexed property (Special)
94-976	Special election (Special)
94-977	Zones certain annexed property (Special)
94-978	Special election (Special)
94-979	Approves certain planned unit development district (Special)
94-980	Zones certain annexed property (Special)
94-981	Rezone (Special)
94-982	Approves certain planned unit development district (Special)
94-983A	Approves certain legislative amendments to community development code (16.10, 16.12, 16.14, 16.16, 16.18)
94-983B	Approves certain legislative amendments to community development code (16.10, 16.12, 16.14, 16.16, 16.18)
94-983C	Approves certain legislative amendments to community development code (16.42)
94-984	Approves certain planned unit development district (Special)

94-985	Special election (Special)
94-986	Amends Ord. 93-973, solid waste collection rates; repeals and replaces § 7(1)(1) of Ord. 89-899, solid waste management (8.20)
94-987	Election to receive state revenue sharing funds (Special)
94-988	Amends § 5(a) of Ord. 514, water service; repeals § 5(b) of Ord. 514 (Repealed by 01-1115)
94-989	(Defeated)
94-990	Repeals and replaces Ch. 9 of the zoning and community development code, historic preservation (16.128, 16.130, 16.132, 16.134, 16.136)
94-991	Amends Ch. 8 of the zoning and community development code, protection of trees (16.08, 16.36, 16.68, 16.96, 16.116)
94-992	Street vacation (Special)
94-993	Public contracting and purchasing; repeals Ord. 664 (Repealed by 99-1070)
95-994	Approves certain planned unit development district (Special)
95-995	Amends §§ 2.104.04.B.2.b, 2.105.04.A.1 and 2.105.04.B.2.b of the zoning and community development code (16.16, 16.18)
95-996	Special election (Special)
95-997	Approves certain planned unit development district (Special)
95-998	Amends § 5(a) of Ord. 514, water service (Repealed by 01-1115)
95-999	Election to receive state revenue sharing funds (Special)
95-1000	Repeals and replaces Ord. 87-857, vehicle impoundment (Repealed by 96-1010)
95-1001	Building official appeals board (Repealed by 96-1015)
95-1002	Repeals and replaces Art. VII, § 12, of Ord. 641, curfew (9.40)
95-1003	(Pending)

95-1004	Road vacation (Special)
96-1005	Approves certain planned unit development district (Special)
96-1006	Amends § 5(a) of Ord. 514, water service (Repealed by 01-1115)
96-1007	Rezone (Special)
96-1008	Election to receive state revenue sharing funds (Special)
96-1009	Submits ballot question (Special)
96-1010	Repeals and replaces Ord. 95-1000, vehicle impoundment (Repealed by 97-1032)
96-1011	Submits ballot question (Special)
96-1012	Submits ballot question (Special)
96-1013	Road vacation (Special)
96-1014	Amends §§ 2.301.01 and 2.303.01 of zoning and community development code (16.46)
96-1015	Buildings and construction; repeals Ords. 93-958 and 95-1001 (Repealed by 97-1028)
96-1016	Right-of-way vacation (Special)
96-1017	Road vacation (Special)
96-1018	Amends § 5(a) of Ord. 514, water service (Repealed by 01-1115)
97-1019	Amends §§ 1.200, 2.109, 2.110, 2.111, 2.113, 2.306 and 4.302.03 of zoning and community development code (16.08, 16.26, 16.28, 16.30, 16.32, 16.46, 16.58)
97-1020	Amends §§ 2.109.01 and 2.109.02 of zoning and community development code (16.26)
97-1021	Amends § 3.103.02 of and repeals § 3.103.01 of zoning and community development code (16.48)
97-1022	Adds § 2.305.05 to zoning and community development code (16.46)
97-1023	Adds § 3(7) to Ord. 94-993, public contracting and purchasing (Not codified)
97-1024	Property maintenance code (8.16)

97-1025	Election to receive state revenue sharing funds (Special)
97-1026	Amends §§ 4(17) and 17(2) of Art. VIII of Ord. 641, police code (9.36)
97-1027	Fire code (Repealed by 00-1084)
97-1028	Buildings and construction; repeals Ords. 93-958, 95-1001 and 96-1015 (Repealed by 06-008)
97-1029	Road vacation (Special)
97-1030	Amends § 19 of Art. VIII of Ord. 641, police code (9.36)
97-1031	Adds §§ 2(6), 3(1)(h), 3(2)(c)--(g) and 4 to Ord. 94-993, local contract review board (Not codified)
97-1032	Repeals and replaces Ord. 96-1010, vehicle impoundment (8.04)
97-1033	Street vacation (Special)
97-1034	Amends Ord. 560, dumping (9.36)
98-1035	Amends §§ 1.102.01, 2.107 of the zoning and community development code (16.04, 16.22)
98-1036	Street vacation (Special)
98-1037	Amends Ord. 97-1024 § 303.9, property maintenance code (8.16)
98-1038	Repeals and replaces Ord. 400, initiative and referendum powers (1.08)
98-1039	Amends Ord. 529 §§ 5, 13 and 26; repeals Ord. 529 § 15, alcoholic liquors (5.20)
98-1040	Amends Ord. 530 §§ 402, 413 and 802, sewers (13.08)
98-1041	Adds Ord. 549 § 3(f); amends Ord. 549 §§ 6(c) and 9, business licenses and regulation (Repealed by 08-001)
98-1042	Amends Ord. 86-837 § 2 and Ord. 599 Ch. VIII §§ 6, 8 and 9(b) and Ch. IX §§ 6 and 24; repeals Ch. IX § 17, vehicles and traffic (10.04, 10.08, 10.12)
98-1043	Offense procedure; repeals Ord. 605 (9.48)

98-1044	Adds Ord. 641 Art. VIII § 19(d); amends Ord. 641 Art. I, Art. II §§ 1, 3, 4 and 8, Arts. III, IV and V, Art. VI §§ 4, 11, 12, 13, 14, 15, 16, 17, 19(2) and 20, Art. VII, Art. VIII §§ 1, 4, 5, 6, 7, 8, 10(3), 11(3), 12(11), 13(2), 14(3), 16, 17(2), 18(d) and 20(2), Art. IX §§ 4, 5 and 6; repeals Ord. 641 Art. VI § 18, Art. VIII §§ 2, 3, 9 and 15, police code (9.04, 9.08, 9.12, 9.16, 9.20, 9.24, 9.28, 9.32, 9.36, 9.40, 9.44)
98-1045	Amends Ord. 738 §§ 1, 4, 7 and 9, public improvements and assessments (3.04)
98-1046	Adds § 3(f) to Ord. 799; amends Ord. 799 § 6, disposition of abandoned or unclaimed property (2.28)
98-1047	Amends Ord. 807 §§ 6 and 9, nomination of candidates to elective offices (Repealed by 05-008)
98-1048	General provisions (1.04)
98-1049	Amends Ord. 517 § 4, Ord. 653 § 24, Ord. 658 § 2(6), Ord. 682 §§ 9 and 11, Ord. 700 § 4, Ord. 747 § 7(a), Ord. 899 § 3(13)(a)(ii) and zoning and development code § 8.308.01(C); repeals Ords. 566, 573, 591, 608, 611, 643, 672, 790, 863, 868, 888, 893, 897, 915 § 1, 929, 932, 934, 949, 957, 967 and 973, various subjects (6.04, 8.20, 12.08, 12.12, 15.08, 15.12, 16.122)
98-1050	Road vacation (Special)
98-1051	Amends §§ 2.111 and 2.112, zoning and development code (16.28, 16.30)
98-1052	Amends zoning and development code (16.08, 16.18, 16.24)
98-1053	Amends and zoning and development code (16.08, 16.34, 16.36, 16.38, 16.48, 16.50, 16.60, 16.62, 16.64, 16.66, 16.70, 16.76, 16.94, 16.96, 16.98, 16.100, 16.102)

98-1054	Construction standards for commercial and residential driveways (12.04)
98-1055	Elects to receive state revenues for fiscal year 1998-99 (Special)
98-1056	Amends §§ 3 and 4 of Ord. 700, moving buildings (15.08)
98-1057	Amends Ord. 97-10287 § 1, city code and code administration (Repealed by 06-008)
98-1058	Amends § 8 of Ord. 514, water service (Repealed by 01-1115)
98-1059	Special election (Special)
98-1060	Code adoption (1.01)
98-1061	Amends §§ 2 and 3 of Ord. 98-1059, special election (Special)
98-1062	(Number not used)
98-1063	Amends Ord. 98-1050, property vacation (Special)
98-1064	(Number not used)
98-1065	Adopts city construction drawing standards (Repealed by 06-002)
98-1066	Property assessment for nuisance abatement (Special)
98-1067	Property assessment for nuisance abatement (Special)
99-1068	Rezone (Special)
99-1069	Extends franchise (Special)
99-1070	Adopts rules of city local contract review board; repeals Ord. 94-993 (Repealed by 01-1120)
99-1071	Amends § 5a of Ord. 514, water service (Repealed by 01-1115)
99-1072	Approves PUD (Special)
99-1073	Amends §§ 2--5 of Ord. 814, parks and recreation advisory board (2.16)
99-1074	Rezone (Special)
99-1075	Extends franchise (Special)
99-1076	Establishes provisions for water conservation; repeals § 13.04.070 (13.20)
99-1077	Adopts city construction standards (Repealed by 06-002)
99-1078	Declares election to receive state revenues (Special)
99-1079	Amends zoning and development code (Not codified)
99-1080	Extends franchise (Special)

00-1081	Annexation (Special)
00-1082	Rezone (Special)
00-1083	Amends Charter § 3.1, council membership (Repealed by Res. 2005-008)
00-1084	Adopts Tualatin Valley Fire and Rescue Fire Codes; repeals Ord. 97-1027, fire prevention code (8.12)
00-1085	Approves Appendix Ch. 9, Division III of the Uniform Building Code (Not codified)
00-1086	Adds § 10.08.080, disabled persons parking (10.08)
00-1087	Amends § 13.04.200, water charges (Repealed by 01-1115)
00-1088	Amends Table 8.20.080, solid waste collection rates (8.20)
00-1089	Amends §§ 2.12.020(A), (B) and (D), 2.12.030(A) and (B), 2.12.040(B) and 2.12.060, library advisory board (Repealed by 03-1142)
00-1090	Annexation (Special)
00-1091	Provides for city council to act as urban renewal agency (Not codified)
00-1092	Approves amendments to comprehensive plan and zoning code to comply with Titles 3 and 4 of Metro urban growth management plan (16.88, 16.108, 16.118)
00-1093	Adds Charter § 8.5, tie votes (Repealed by Res. 2005-008)
00-1094	Amends Charter § 7.5(3), filling council vacancies (Repealed by Res. 2005-008)
00-1095	Adds Charter § 4.8, city manager ineligible to be city recorder (Repealed by Res. 2005-008)
00-1096	Amends Charter § 5.3, recorder's absence (Repealed by Res. 2005-008)
00-1097	Adds Charter § 11.9, city attorney (Repealed by Res. 2005-008)
00-1098	Adopts urban renewal plan (Not codified)

00-1099	Amends § 15.04.190, fee policy (15.04)
00-1100	(Number not used)
00-1101	(Number not used)
00-1102	Annexation (Special)
00-1103	Approves amendments to comprehensive plan and zoning code to comply with Title 6 of Metro urban growth management plan (16.82, 16.100, 16.116)
00-1104	Adopts Highway 99W capacity allocation program; amends zoning and development code (16.20, 16.22, 16.24, 16.26, 16.58, 16.66, 16.83)
00-1105	Adopts Highway 99W capacity improvement funding program (Not codified)
00-1106	(Number not used)
00-1107	Adopts cross-connection and backflow program; repeals §§ 13.04.150(A) and (D), water service system (13.04, 13.05)
00-1108	Approves amendments to comprehensive plan and zoning code to comply with Title 1 of Metro urban growth management plan (16.08, 16.10, 16.12, 16.14, 16.16, 16.18, 16.34)
00-1109	Annexation (Special)
00-2000	Amends Ord. 73-631 [631], business license requirements (Repealed by 08-001)
00-2001	Approves amendments to comprehensive plan and zoning code to comply with Title 2 of Metro urban growth management plan (16.70, 16.130)
01-1110	Annexation (Special)
01-1111	(Pending)
01-1112	Amends Ord. 99-1073, parks and recreation advisory board (2.16)
01-1111	Animal noise disturbance (6.04)
01-1113	Amends Ord. 89-889 [89-899], solid waste management (8.20)
01-1114	Public improvement reimbursement districts (13.24)
01-1115	Repeals Ord. 514, water service (13.04)
01-1116	Prohibiting of noise (9.52)

01-1117	Prohibits use of tobacco products on city property (9.56)
01-1118	Parks and recreation system development charges in new development; amends Ord. 91-927 (15.16, 15.20)
01-1119	Amends §§ 2.111 [2.110], 2.202, 3.200, 3.400, 4.300, 8.305 and Appendix J of Chapter 8 of the zoning and development code (16.28, 16.36, 16.50, 16.52, 16.58, 16.116 and 16.118)
01-1120	Adopts rules of city local contract review board; repeals Ord. 99-1070 (Repealed by 05-003)
01-1121	Adds § 11.10, use of Willamette River for residential drinking water (Repealed by Res. 2005-008)
01-1122	Amends Ord. 91-927, system development charges (15.16)
01-1123	Adds prior code § 2.204; amends prior code §§ 2.104 and 2.105, zoning and community development code (16.16, 16.39)
01-1124	Amends § 16.76.030(C), signs (16.76)
02-1125	Adds Ch. 5.28, liquor licenses (Repealed by 04-009)
02-1126	Amends § 16.39.020, townhome standards (16.39)
02-1127	Rezone (Special)
02-1128	Amends Ch. 16.130, special resource zones (16.130)
02-1129	Repeals and replaces Ord. 686, personnel system (2.36)
02-1130	Amends Ch. 16.38, home occupations (16.38)
02-1131	Tax levy (Repealed by 08-011)
02-1132	Amends zoning code (Special)
02-1133	Approves planned unit development (Special)
02-1134	Amends Ord. 98-1057, mechanical code (15.04)
02-1135	Noxious weeds abatement (9.46)

02-1136	Changes use designations in zoning districts (Special)
02-1137	Annexation (Special)
02-1138	(Number not used)
02-1139	Adds Ch. 5.28 [5.30], public utility fees (Repealed by 08-011)
02-1140	Tax levy (Repealed by 08-011)
02-1141	Approves planned unit development (Special)
03-1142	Repeals Ords. 550, 88-889 and 2000-189; adds Ch. 2.12, library advisory board (2.12)
03-1143	Repeals and replaces Ch. 5.16, telecommunications facilities (Repealed by 08-011)
03-1144	Amends urban renewal plan (Special)
03-1145	Special election (Special)
03-1146	Annexation (Special)
03-1147	Approves planned unit development (Special)
03-1148	Amends comprehensive plan (Special)
03-1149	Adds § 1.04.075, attorneys fees (1.04)
03-1150	Repeals and replaces Ch. 2.32, administrative fees (2.32)
03-1151	Right-of-way vacation (Special)
03-1152	Adopts creations of exempt classes of public contracts (Special)
03-1153	Amends §§ 16.10.040, 16.12.040, 16.14.040, 16.16.040, 16.18.040, 16.76.020 and Ch. 16.44, zoning and community development code (16.10, 16.12, 16.14, 16.16, 16.18, 16.44, 16.76)
03-1154	Adds Ch. 9.50, possession, manufacture or delivery of drug paraphernalia (9.50)
04-001	Approves plan map amendment (Special)
04-002	Amends § 16.46.050, zoning and community development code (16.46)
04-004	Amends Ch. 10.08, state vehicle code statutes, parking (10.08)
04-005	Amends Ch. 8.04, abandoned, discarded and hazardously located vehicles (8.04)

04-006	Amends 16.08.020 and Ch. 16.76, zoning and community development code (16.08, 16.76)
04-007	Amends §§ 2.200 and 2.202 of the zoning and community development code (16.34, 16.36)
04-008	Approves planned unit development and comprehensive plan map (Special)
04-009	Repeals and replaces Ch. 5.28, process and fees for liquor licenses (5.28)
04-010	Adds § 8.20.045; amends §§ 8.20.040, 8.20.060, 8.20.070, 8.20.080 and 8.20.110, solid waste management (8.20)
04-011	Approves planned unit development and comprehensive plan map (Special)
04-012	Amends Ord. 98-1057 and § 15.04.110, construction codes (Repealed by 06-008)
04-013	Amends § 5.04.030, business licenses (Repealed by 08-001)
04-014	Adds §§ 6.04.040 and 6.04.100, dogs (6.04)
04-015	Amends Ch. 2.16, parks and recreation board (2.16)
04-017	Adds Ch. 3.10, measure 37 claims procedure (3.10)
05-001	Approves plan map amendment (Special)
05-002	Approves plan text amendment (Special)
05-003	Repeals Ch. 2.24 (Repealer)
05-004	Repeals Ch. 3.08 (Repealer)
05-005	Amends § 13.12.010, sewer service rate and charges (13.12)
05-006	Adds Ch. 1.10, public contracting rules (1.10)
05-007	Adds Ch. 4.04, city telecommunications utility (4.04)
05-008	Repeals and replaces Ch. 2.04, elections (2.04)
05-009	Approves text amendment (Special)
05-010	Renames certain streets (Special)
05-011	Renames certain streets (Special)

05-012	Renames certain streets (Special)
05-013	Renames certain streets (Special)
05-014	Approves plan text amendment (Special)
05-015	Adds § 6.04.050, dogs (6.04)
05-016	Approves plan map amendment (Special)
05-017	Amends Ch. 6 of the zoning and community development code (16.78, 16.80, 16.82, 16.83, 16.84, 16.86, 16.88, 16.90, 16.92)
06-001	Street vacation (Special)
06-002	Repeals Ords. 98-1065 and 99-1077 (Repealer)
06-003	Amends § 15.04.140, construction codes (15.04)
06-004	Amends § 8.12.010, fire prevention code (8.12)
06-005	Amends § 15.04.120, construction codes (15.04)
06-006	Amends § 15.04.130, construction codes (15.04)
06-007	Amends § 15.04.150, construction codes (15.04)
06-008	Repeals § 15.04.110 (Repealer)
06-009	Approves plan text amendment to zoning and community development code (16.02, 16.04, 16.06, 16.07, 16.08, 16.128, 16.130, 16.131, 16.132, 16.134, 16.136)
06-010	Adds § 6.04.035, dogs (6.04)
06-011	Street vacation (Special)
06-012	Amends Ord. 06-001, street vacation (Special)
06-013	Amends Ord. 06-011, street vacation (Special)
06-014	Right-of-way vacation (Special)
06-015	Amends § 10.12.010, miscellaneous traffic regulations (10.12)
06-016	Grants franchise to Northwest Natural Gas Company (Special)
06-017	(Failed)
06-018	(Passed)
06-019	Amends §§ 8.08.010, 8.08.020, 8.08.040 and 8.08.070--8.08.110; repeals § 8.08.120, alarm systems (8.08)

06-020	Adds Ch. 12.02; repeals Res. 93-567, right-of-way permits (12.02)
06-021	Approves plan text amendment to zoning and community development code (16.08, 16.10, 16.12, 16.14, 16.16, 16.18, 16.46, 16.66, 16.68, 16.70, 16.72, 16.78, 16.80, 16.82, 16.88, 16.100, 16.116, 16.118)
07-001	Renames certain streets (Special)
07-002	Amends comprehensive plan (Special)
07-003	Amends comprehensive plan (Special)
07-004	Adds Ch. 15.21; repeals § 15.04.180, dangerous buildings (15.21)
07-005	Adds Ch. 9.60, inventory procedures (9.60)
07-006	Approves plan map amendment (Special)
07-007	Adds § 12.02.035, right-of-way permits (12.02)
07-008	Grants cable franchise agreement to Verizon Northwest Inc. (Special)
07-009	Right-of-way vacation (Special)
07-010	Utility easement vacation (Special)
07-011	System development charges; repeals Ord. 91-927, Resos. 92-518, 93-561 and 01-979 (15.16)
07-012	Repeals and replaces § 15.16.090, system development charges (15.16)
07-013	Amends § 8.12.010, fire prevention code (8.12)
08-001	Repeals and replaces Ch. 5.04, business licenses (5.04)
08-002	(Not adopted)
08-003	Amends comprehensive plan and zoning map (Special)
08-004	Adds Ch. 13.09, sanitary sewer interceptors (13.09)
08-005	Adds Ch. 3.12, monies owed city (3.12)
08-006	Amends § 15.04.150, construction codes (15.04)
08-007	Adds § 15.04.110, construction codes (15.04)
08-008	Amends § 15.04.130, construction codes (15.04)

08-009	Amends § 15.04.120, construction codes (15.04)
08-010	Confirms SW Baker Road name as the official name (Special)
08-011	Adds Ch. 12.16; repeals Chs. 5.16 and 5.30 and Ords. 02-1131 and 02-1140, utility facilities in public right-of-way (12.16)
08-012	Right-of-way and utility easement vacation (Special)
08-013	Adds Ch. 15.24, erosion control and sediment control (15.24)
08-014	Adds Ch. 15.28, enforcement and remedies (15.28)

As of Supplement No. 9, this table will be replaced with the "Code Comparative Table and Disposition List."

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Sherwood, Oregon beginning with Supplement No. 9, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
2008-015	10- 7-2008	Planned unit developments	1	16.40.010-- 16.40.050
2009-001	3-17-2009	Business recycling	1 Added	5.04.090
			2	Ch. 5.04(tit.)
2009-002	4-21-2009	Sign code	2	16.102.010. 1.--6.
2009-003	2-17-2009	Sign code	2	16.102.010.9
				16.102.020
				16.102.030
2009-005	6- 2-2009	Zoning and community development	2	16.72.010
				16.90.020
				16.94.030
				16.118.020
				16.118.050
				16.142.030
2009-006	6-16-2009	Emergency code	1 Added	2.38.010-- 2.38.040
2009-007	6-16-2009	Water regulations	1 Added	13.10.005-- 13.10.105
			2 Rpld	13.05.010-- 13.05.050
			Added	13.05.010-- 13.05.050
			3 Rpld	13.20.010-- 13.20.120
			Added	13.20.010-- 13.20.120

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