

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.



CITY OF SWEET HOME CITY COUNCIL AGENDA

September 10, 2019, 6:30 p.m.

Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode:
guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

A. Call to Order and Pledge of Allegiance

B. Roll Call:

Councilor Coleman
Councilor Gerson
Councilor Goble
Councilor Gourley

Mayor Mahler
Councilor Nash
Councilor Trask

C. Consent Agenda:

- a) Approval of Minutes: August 27, 2019 City Council Minutes (pg. 3-6)
August 30, 2019 City Council Work Session Minutes (pg. 7)
August 30, 2019 City Council Executive Session Minutes (pg. 8)

D. Recognition of Visitors and Hearing of Petitions:

E. Old Business:

- a) Information Only - Noise Ordinance (pg. 9-11)
- b) Information Only – Livability Ordinance (pg. 12-54)
- c) Information Only – Exclusion Ordinance (pg. 55-59)
- d) Information Only – Urinating or Defecating in Public Places Ordinance (pg. 60-61)

F. New Business:

- a) Request for Council Action – Resolution No. 26 for 2019. A Resolution Concerning Street Closure Festival and Restrictions (pg. 62-81)

G. Ordinance Bills

- i. **Introduction and Request for Ordinance**
 - (1) Request for Council Action - ATV/UTV Ordinance (pg. 82-88)
 - (2) Request for Council Action – Traffic Safety Ordinance (pg. 89-91)
- ii. **First Reading of Ordinance Bills**
- iii. **Second Reading of Ordinance Bills**
- iv. **Third Reading of Ordinance Bills (Roll Call Vote Required)**

H. Reports of Committees:

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Administrative & Finance/Property	Goble
Park and Tree Committee	Trask
Youth Advisory Council	Gourley
Chamber of Commerce	Gerson
Council of Governments	Gerson
Area Commission on Transportation	Mahler
Solid Waste Advisory Council	Goble
Ad Hoc Committee on Health	Gourley
Legislative Committee	Coleman

I. Reports of City Officials:

- a) Mayor’s Report
- b) City Manager’s Report
- c) Department Director’s Reports: (1st Meeting of the Month)
 - i. Library Services Director
 - (1) Department Report (pg. 92)
 - (2) Circulation Stats by Item Type (pg. 93)
 - (3) Circulation Stats for Patrons (pg. 94)
 - ii. Community and Economic Development Director
 - (1) Department Report (pg. 95-97)
 - iii. Public Works Director
 - (1) Department Report (pg. 98-100)
- d) Department Director’s Reports: (2nd Meeting of the Month)
 - i. Finance Director
 - ii. Police Chief
 - iii. City Attorney’s Report

J. Council Business for Good of the Order:

K. Adjournment

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager’s Office at 541-367-8969.

SWEET HOME CITY COUNCIL
MEETING MINUTES

August 27, 2019

Mayor Mahler called the meeting to order at 6:30 p.m. in the Sweet Home City Hall. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, City Attorney Robert Snyder, Public Works Director Greg Springman, Finance Director Brandon Neish, Police Chief Jeff Lynn, Community and Economic Development Director Blair Larsen and Recording Secretary Julie Fisher.

Visitors Registered to Speak: None

Media: Sean Morgan, The New Era

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Nash	P
	Councilor Goble	AB	Councilor Trask	P
	Councilor Gourley	P		

Motion to Excuse Councilor Goble (Trask/Gerson) Motion passed with 6 Ayes, 0 Opposed and 1 Absent (Goble).

Consent Agenda: Motion was made to approve the Consent Agenda as submitted (Coleman/Trask) Motion passed with 6 Ayes, 0 Opposed, 1 Absent (Goble).

Items on the consent agenda are as follows:

Approval of Minutes: August 13, 2019 City Council Meeting
August 13, 2019 Admin, Finance & Property Minutes

Request for Council Action – Appointment to the Library Board
Request for Council Action – Appointment to the Park Board
OLCC Change of Ownership – Foster Lake Market #1

Recognition of Visitors & Hearing of Petition: None

Old Business:

Discussion Only – ATV/UTV Ordinance

Chief Lynn presented a sample ordinance for review regarding the use of All Terrain Vehicles or Utility Terrain Vehicles on City streets. Discussion included hours of operation, types of ATV/UTV allowed or disallowed, violation penalties and community outreach. The introduction of the ordinance will come before Council at the next meeting on September 10, 2018.

Discussion Only – Livability Ordinance

City Attorney Snyder introduced a draft ordinance regarding a livability code. City Attorney Snyder stated that many of the items in the draft ordinance can be dealt with in our hazardous building code, nuisance code or thru Landlord Tenant Laws. Discussion ensued. Concerns on enforcement capacity and

appropriateness of entering a home were discussed. City Manager Towry and City Attorney Snyder will work to create an Educational Campaign and will reach out to Legal Aid in an effort to bring services to Sweet Home.

Discussion Only – Noise Ordinance City Attorney introduced the draft ordinance on unnecessary noise. There was brief discussion on the use of a sound meter to regulate noise and adding the human voice to the City’s current ordinance.

Discussion Only – Public Peach, Safety, Health Property and Welfare Ordinances City Attorney Snyder introduced three draft ordinances. The first dealt with the transfer on vehicular portion of the right of way for traffic safety and the safety of pedestrians. There were no questions of the Council.

The second draft ordinance was related to urinating or defecating in public places. City Attorney Snyder stated the specific language must be in ordinance for it to be enforced.

The last draft pertained to the exclusion zone and was introduced by Police Chief Jeff Lynn. Chief Lynn explained this ordinance would be a solution for repeat offenders in the downtown corridor which is currently identified as 4th Avenue to 22nd. Repeat offenders could be excluded for 30 to 90 days.

Information Only – Regional Biosolids Composting Program Public Works Director Springman gave an update on the efforts to spear a Regional Biosolids Composting Program. Public Works Director Springman and City Manager Towry have meet with other agencies who are interested in composting biosolids.

New Business:

Request for Council Action – IGA Peer Court Police Chief Jeff Lynn presented the ICA for Peer Court and explained the benefits of the program.

Motion to approve Resolution No. 26 for 2019 – A Resolution Concerning Peer Court Intergovernmental Agreement Between Linn County and the City of Sweet Home (Gerson/Trask) Motion passed with 6 Ayes, 0 Opposed and 1 Absent (Goble).

Request for Council Action – Resolution No. 22 for 2019 – A Resolution Adopting a Supplemental Budget for the Project and Equipment Reserve Fund Finance Director Neish presented the request for a supplemental budget to replace a vehicle for the Code Enforcement Officer. FD Neish explained the current vehicle is in need of repairs which will cost more than the value of the vehicle.

Motion to adopt Resolution No. 22 for 2019 – A Resolution Adopting a Supplemental Budget for the Project and Equipment Reserve Fund (Gourley/Gerson)

Roll Call Vote:

Mayor Mahler	Aye
Councilor Nash	Aye
Councilor Trask	Aye
Councilor Coleman	Aye
Councilor Gerson	Aye
Councilor Goble	Absent
Councilor Gourley	Aye

Motion passed with 6 Ayes, 0 Opposed and 1 Absent (Goble).

Information Only – Resolution No. 23 for 2019 – A Resolution Adopting a Supplemental Budget for the Building Reserve Fund.

Finance Director Neish introduced the resolution for a supplemental budget for the Building Reserve Fund. FD Neish explained the need for additional furniture and signage. Council briefly discussed the type of sign they would like at City Hall. This item will come back before the Council for public hearing on September 24th.

Request for Council Action - Resolution No. 24 for 2019 – A Resolution Authorizing Staff to Submit an Application for the 2019 CDBG and Authorize the City Manager to Execute a Contract with Willamette Neighborhood Housing Services as Sub-Grantee

City Manager Towry explained that Council had already approved this request, however Willamette Neighborhood Housing Services has requested an updated resolution.

Motion to Approve A Resolution Authorizing Staff to Submit an Application for the 2019 CDBG and Authorize the City Manager to Execute a Contract with Willamette Neighborhood Housing Services as Sub-Grantee (Gerson/Trask). The Motion passed with 6 Ayes, 0 Opposed and 1 Absent.

Request for Council Action and First Reading of Ordinance Bills:

None

Second Reading:

None

Third and Final Reading of Ordinance Bills:

No Report

Reports of Committees:

Administration & Finance/
Property Committee

No Report

Park & Tree Commission

No Report

Youth Advisory Council

Councilor Gourley reported that the YAC is accepting applications.

Chamber of Commerce

No Report

Council of Governments (COG)

No Report

Area Commission on Transportation No Report

Solid Waste Advisory Council No Report
(SWAC)

Ad Hoc Committee on Health No Report

Legislative Committee No Report

Reports of City officials

Mayor's Report Mayor Mahler reported on the success of the Grand Opening of the New City Hall.

City Manager's Report City Manager Towry also reported on the Grand Opening stating there were almost 200 people in attendance. City Manager Towry reminded the Council of the Work Session and the Executive Session on August 30th. The League of Oregon Cities is hosting their Annual Conference in Bend. Councilors were given the conference agenda and asked to let staff know if they were interested in attending so arrangements could be made for them.

Department Directors Reports Written reports were submitted by the following Departments: Police and Finance. There were no questions of the Council.

City Attorney No Report.

Council Business for Good of the Order: It was noted that the former mill property will be up for sale at the Linn County Property Auction on Thursday. Some of the Council and staff plan to attend. There will be three public meetings seeking input for the Needs Assessment for the Sweet Home Public Library.

Adjournment: With no further business the meeting adjourned at 8:17 pm.

The foregoing is a true copy of the proceedings of the City Council at the August 27, 2019 regular City Council Meeting.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

SWEET HOME CITY COUNCIL
SPECIAL MEETING WORK SESSION MINUTES

August 30, 2019

The City Council Work Session was opened at 3:00 p.m. in the Sweet Home City Hall.

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Nash	P
	Councilor Goble	AB	Councilor Trask	P
	Councilor Gourley	AB		

Staff: City Manager Ray Towry, Public Works Director Greg Springman, City Attorney Robert Snyder, Finance Director Brandon Neish, Engineer Technician Trish Rice, and Recording Secretary Julie Fisher.

Media: Sean Morgan, The New Era

The purpose of the meeting was to review options for the management of facilities. Public Works Director Greg Springman gave a background including a timeline of events and meetings related to the recent investigation in the management and operations of the water and wastewater plants. PW Director Springman identified deficiencies in the upkeep and maintenance in the current facilities. Due to the current state of the plants, PW Director Springman suggested options including renegotiate or terminate the contract with Jacobs, enter into a contract with Veolia to assume operations, or hire and train staff for internal operation.

Brian Helliwell, Operations Manager of Jacobs spoke of concerns of the Council and reported on current actions being taken to address identified issues.

The Council considered options. City Manager Towry suggested staff create timelines, costs, and risk for all options and bring those back to the Council for consideration. Staff will return to the Council as soon as the information can be gathered so Council can weigh all options.

The meeting adjourned at 3:55 p.m.

The foregoing is a true copy of the proceedings of the City Council at the August 30, 2019 City Council Work Session Meeting.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

SWEET HOME CITY COUNCIL
EXECUTIVE SESSION MEETING MINUTES

August 30, 2019

The City Council Executive Session was opened at 4:15 p.m. in the Sweet Home City Hall.

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Nash	P
	Councilor Goble	AB	Councilor Trask	P
	Councilor Gourley	AB		

Staff: City Manager Ray Towry, City Attorney Robert Snyder, Public Works Director Greg Springman, Finance Director Brandon Neish, Community and Economic Development Director Blair Larsen, and Recording Secretary Julie Fisher.

Media: Sean Morgan, The New Era

Mayor Mahler read the Executive Session Announcement.

The purpose of the meeting was an Executive Session pursuant to ORS 192.660 (2) (e), which allows the Council to meet in executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions and pursuant to ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

There was time for questions and comments, no official decisions were made.

The foregoing is a true copy of the proceedings of the City Council at the August 30, 2019 Executive Session City Council Meeting.

Mayor

ATTEST:

City Manager– Ex Officio City Recorder

MEMO

DATE: SEPT. 10, 2019
TO: SWEET HOME CITY COUNCIL
FROM: ROBERT SNYDER, CITY ATTORNEY
TOPIC: FOLLOW-UP ON NOISE ORDINANCES

SUBJECT:

At the City Council meeting of August 27, 2019 there was presented for discussion several proposed ordinances. The following outline sets forth the status of the Noise ordinance:

1. In response to the Council discussion the Sweet Home noise provisions will remain the same except that the "not by human voice" exception will be removed so that a violation for unnecessary noise by human voice will be available for the police and code enforcement officer to enforce by the noise provisions of the city code.

The above status of this proposed ordinance can be changed if the City Council desires to direct staff in developing each ordinance as presented or with appropriate amendments.

§ 9.20.020 UNNECESSARY NOISE.

A. No person shall make, assist in making or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of another person. ~~However, this section does not include noises that are made by a human voice, except as specifically listed hereafter.~~

B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be construed to be exclusive:

1. The keeping of any bird or animal, except a dog, which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity;

2. The use of engine brakes also known as “Jake brakes” inside the city limits of the city;

3. The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;

4. The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise;

5. The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger;

6. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger or upon request of proper city authorities;

7. The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;

8. The erection, including excavation, demolition, alteration or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the building officials;

9. The use of and gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

10. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of the institution or which disturbs or unduly annoys patients;

11. The discharge, in the open air, of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;

12. The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying

device so loudly as to disturb person(s) in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that, upon application to the Chief of Police (or, if a sound-amplifying device is in a city park, to the Park Director), permits may be granted for the broadcast or amplification of entertainment programs or to any organization for the broadcast of programs of music, speeches or general entertainment as a part of a national, state or city event, public festivals or outstanding events of a non-commercial nature; provided that, the broadcast or amplification shall not be audible for a distance of more than 1,000 feet from the instrument, speaker or amplifier and, in no event, shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result. This subsection does not apply to church chimes or bells that are in proper working order and approved by the City Council. The City Council, upon application to it, may grant understated conditions a sound-amplifying permit to suspend the 1,000-foot limitation and provide for the proper regulation of traffic;

13. The making of any noise by crying, calling or shouting or by any means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever; provided that, newsboys may sell newspapers and magazines by public outcry;

14. The conducting, operating or maintaining of any garage within 100 feet of any private residence, apartment, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.; and/or

15. The running of the refrigeration unit, compressor and/or motor in or about a refrigerated trailer within 300 feet of any residence for longer than 15 minutes within any 24-hour period.

C. Further, this section does not apply, where the City Council has upon application to it approved a permit for events or programs referred to in this section for sound-producing or sound-amplifying devices that are audible for more than 1,000 feet from the device or under 1,000 feet if traffic is involved, upon conditions set by the City Council for either occurrence.

(Ord. 1203, §§ 31, 32, 2008; Ord. 1072, § 1, 1994; Ord. 1048, § 1, 1992; Ord. 1043, § 1, 1992; Ord. 955, § 13, 1986)

MEMO

DATE: SEPT. 10, 2019
TO: SWEET HOME CITY COUNCIL
FROM: ROBERT SNYDER, CITY ATTORNEY
TOPIC: FOLLOW-UP ON PROPOSED LIVABILITY ORDINANCE

SUBJECT:

At the City Council meeting of August 27, 2019 there was presented for discussion several proposed ordinances. The following outline sets forth the status of the Livability ordinance:

1. The Livability Ordinance was presented in several sections, two of which mostly involved laws that dealt with inside rentals and exterior structure/outside nuisance laws on a property. From the Council discussion the inside rental laws are to be addressed by disseminating information to tenants and landlords through the library, legal aid and city inserts. The library has on hand a landlord/tenant pamphlet and SB608 (new significant changes in landlord/tenant law involving termination of tenancies and rent increases). I contacted Legal Aid in Albany and was told they do presentations on landlord/tenant laws for interested groups. The City Manager suggested that a city insert could be used to help educate tenants on their rights and it could also be used to inform landlords of their obligations. The laws concerning the exterior parts of a structure and property are being reviewed by me and code enforcement to see if we can incorporate any into our nuisance laws. Any recommendations will be presented to Council in the "housekeeping" ordinance (updates and changes to the current code) that will be coming soon.

The above status of the proposed ordinance can be changed if the City Council desires to direct staff in developing each ordinance as presented or with appropriate amendments.

The draft ordinance and past memo titled "Outline on Livability Ordinance" has been included for review.

MEMO

DATE: AUGUST 27, 2019
TO: SWEET HOME CITY COUNCIL
FROM: ROBERT SNYDER, CITY ATTORNEY
TOPIC: OUTLINE ON LIVABILITY ORDINANCE

SUBJECT:

The draft ordinance presented herewith is taken from a Corvallis Ordinance passed in 2015. The ordinance is 39 pages long so to concentrate on the provisions that would be an addition to the current Sweet Home Municipal Code please review the following pages 13 to 20. These pages set forth the provisions that deal mainly with regulating the interiors of rental properties. This set of regulations are the new provisions to Sweet Home laws.

The draft ordinance pages 1 to 13 deals with general provisions, warrant processes and definitions. The draft ordinance pages 18 to 25 covers mainly exterior regulations that apply to exterior parts of buildings and real property not just rentals. The draft ordinance pages 25 to 39 covers the enforcement of the ordinance provisions. These three parts of the draft ordinance are discussed below:

A. The general provisions of the ordinance (1-13) are important to the ordinance and can be read after the below decisions are made.

B. The exterior regulations (18-25) can be reviewed to see which ones City Council wants to adopt keeping in mind that the SHMC already covers the following regulations that apply to exterior issues:

1. SHMC Chapter 8.04 Nuisances which include Junk, Privies, Stagnant water, Water pollution, Decayed food, Odor, Open burning, Abandoned iceboxes, Attractive nuisances (to children), Nuisance buildings and structures (exterior blight-broken windows etc.), Metal tower, Glass openings, Sifting loads, Fences, Surface water, Notices on "poles", Radio and TV interference and Open storage of appliances and household goods.

2. SHMC Chapter 8.08 Weeds, Grass And Brush Control (requires mowing)

3. SHMC Chapter 8.12 Chronic Nuisance Property (holds owner responsible for crimes/violations at or near his/her real property)

4.SHMC Chapter 10.11 Abandoned, Disabled and Hazardous Vehicles (summary chapter)

5.SHMC Chapter 10.16 Destroyed, Abandoned and Junk Vehicles

6.SHMC Chapter 10.28 Recreational Vehicles

7.SHMC Chapter 15.01 Administration and Enforcement-Building Code

8.SHMC Chapter 15.03 Various Codes (specialty Codes for building)

C. The enforcement provisions(25-39) of the ordinance cover ways of abatement of the nuisance or problem on the property and collection of costs, attaching a lien and fines. The City has processes set out in its nuisance ordinance SHMC chapter 8.04 for abatement, collection of costs and attaching a lien and SHMC Chapter 9.36 sets up our violation system that provides for a maximum fine of \$500 per day so if the ordinance is passed in all likelihood the enforcement provisions would be made to follow the processes already used for enforcement through the abatement process for other nuisances and the use of the municipal court to impose fines.

The current laws that are used to enforce the issues that are addressed by the Livability Ordinance for interior issues in rental property are the Landlord/Tenant laws found at ORS Chapter 90. These laws require a Landlord to provide the following:

1. Carbon monoxide alarm. ORS 90.317 (certain conditions)

2. Landlord to maintain premises in habitable condition which includes waterproofing and weather protection for roof and walls; plumbing in good working order; water supply hot and cold and appropriate fixtures; sewage disposal system, adequate heating facilities; electrical lighting; and building and grounds at the time of commencement of rental agreement in safe condition for normal uses and free from accumulations of debris, filth, rodents and garbage; floors, walls, ceiling, stairways and railings maintained in good repair; ventilating and air conditioning in good repair if supplied by landlord; working locks; and safety from fire hazards including a smoke alarm. ORS 90.320

The Livability Ordinance is set up to put a city in the position of being the enforcement officer for the Landlord/Tenant laws in addition to the Tenant taking the needed steps to sue for violations of the law in small claims court per se or with an attorney (legal aid) and being able if he/she prevails in collecting his/her costs and attorney fees. ORS 90.255

In talking with Corvallis the Housing department has 6 persons doing various jobs therein including a full time and a part time code enforcement person. They have funding sources of

a \$15.00 yearly rental fee, federal funding and an excise tax to help fund their programs. They try to gain compliance by cooperation and communication and coordination. They obtain help from their Fire Dept. and Building Dept.

DECISIONS:

The first decision to be made is does the city want to adopt the provisions of the Livability Ordinance that pertain to interior issues in rental properties?

The second decision to be made is does the city see any provisions for the exterior of a building or on real property that it desires to incorporate into existing ordinances or be a part of the Livability Ordinance?

ORDINANCE BILL NO. ____ FOR 2019

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING A LIVABILITY CODE FOR SWEET HOME.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Chapter 9.40 - LIVABILITY CODE

Section 9.40.010 - Short Title. This Chapter shall be known and may be cited as the Sweet Home Livability Code and may be referred to herein as “this chapter.”

Section 9.40.020 - Purpose. The purpose of this chapter is to ensure and protect the public health, safety and welfare and to prevent or reduce urban blight by establishing minimum property maintenance and livability standards for all premises.

Section 9.40.030 - Application of other Laws.

Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Sweet Home Municipal Code or the requirement to obtain all necessary permits and approvals.

1) *Changes and Alterations.* Any repair, alteration, or addition to, or change of occupancy in an existing building, or any change of use of any property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Sweet Home Municipal Code.

2) *Conflicts.*

a) Except as provided otherwise by federal, state or local law, if a provision of this chapter conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Sweet Home, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this chapter.

b) This chapter is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the State of Oregon Residential Landlord and Tenant Act.

c) If a provision of this chapter conflicts with a provision of the adopted building code, the provision of the building code shall apply to the exclusion of the conflicting provision of this chapter.

Section 9.40.040 - Scope. This chapter establishes minimum requirements and standards for the protection of structures and premises from the elements, life, safety and other hazards, and for their safe and sanitary maintenance; assigning the responsibility of owners and occupants; and, establishes the processes and standards for the administration of this chapter, its administration, enforcement, appeals and penalties.

1) Provisions of this chapter that address the interior conditions of residential structures apply to tenant occupied residential structures only.

2) Provisions of this chapter that address the exterior conditions of structures and the conditions of premises apply to all residential and nonresidential structures and all premises, with the exclusion of children's play structures which shall be exempt from the maintenance standards established by this chapter other than with respect to conditions that constitute imminent or incipient hazards, as those terms are defined in this chapter.

3) Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance, as required by the provisions of this chapter.

Section 9.40.050 - Saving Clause. Compliance with this chapter 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.

Section 9.40.060 - Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

Section 9.40.070 - Administration.

9.40.070.01 - Responsibility.

1) The City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. The authority of the City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce the provisions of other city codes.

2) This chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative or enforcement duties and functions that are the responsibilities of the City Manager under the terms and standards of this chapter.

9.40.070.02 - Appointments.

1) The City Manager may appoint a Director and delegate authority to administer this chapter to the Director.

2) The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this chapter.

3) The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

4) Any acts done by any employee who is under the direct supervision and control of the Director and done pursuant to a delegation of authority given by the Director to said employee shall be deemed to be done by the Director as required by the terms and standards of this chapter.

9.40.070.03 - Complaint Based Response

1) Administrative and enforcement responses under this chapter will be initiated on the basis of a complaint.

2) Complaints may be filed by members of the public, by representatives of the city organization and by representatives of external agencies in a manner that shall be consistent with administrative operating guidelines.

3) Anonymous complaints will not be accepted.

4) Notwithstanding the provisions of Sweet Home Municipal Code 9.40.070.03(1), the Director may choose to initiate administrative or enforcement activities when conditions are known or suspected to be present on a property, premises or a structure that would constitute an imminent hazard or an incipient hazard, as those terms are defined herein.

9.40.070.04 - Inspections.

1) *Inspections.* The Director is authorized to make inspection of all premises for the purposes of enforcing this chapter.

2) *Coordination of Enforcement.* Whenever inspections are deemed necessary by the Director and any other division or department, the Director 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 divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.40.070.05 - Right of Entry. Following the process set out below, the Director may enter all premises, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this chapter, or whenever the Director has reasonable cause

to believe that there exists in any structure or upon any premises any condition which makes such premises substandard as defined in any regulations of this chapter.

9.40.070.05.010 - Administrative Warrant.

In the case of seeking entry into areas of any premises that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1) *Occupied Premises.* If any structure on the premises is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

2) *Unoccupied Premises.*

a) If the premises is unoccupied, the Director shall first make a reasonable attempt to contact the property owner, or other persons having charge or control of the premises, and request entry. If entry is refused or if no response is received, the Director may attempt to obtain entry by obtaining an administrative warrant.

b) If structures on the premises are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the premises and request entry. If entry is refused or if no response is received from the owner or other persons having charge or control of the premises, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

3) *Open, Unoccupied Structures.* If any structure on the premises is unoccupied and open:

a) The Director shall first make a reasonable effort to notify the owner of the specific condition and order the owner, or other persons having charge or control of the premises, to immediately secure the structure against entry of unauthorized persons.

b) If the structure is not secured within fifteen (15) days from the date notice is sent, the Director may secure the area on or about the premises of the certain hazardous condition concern, as provided in Sweet Home Municipal Code 9.40.110.05.

4) *Hazardous Conditions.*

a) If the Director believes that an imminent hazard condition exists, the Director may immediately secure the area on or about the premises of the certain hazardous condition concern, as provided in Sweet Home Municipal Code 9.40.110.05.

b) Following the summary abatement to secure the hazardous condition, the Director shall make a reasonable attempt to notify the owner, or other persons having charge or control of the premises, of the condition of the premises and request entry.

c) If entry is refused, the Director may attempt to obtain entry by obtaining an

administrative or abatement warrant.

9.40.070.05.020 - Grounds for Issuance of Administrative Warrants.

1) *Affidavit.* The Sweet Home Municipal Court or any Oregon Court having jurisdiction over violations of ordinances shall issue an administrative warrant only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant; the statute, ordinance or regulation requiring or authorizing the inspection or investigation; the premises to be inspected or investigated; and, the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition the affidavit shall contain either a statement that entry has been sought and refused, or a statement of facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

2) *Cause.* Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any premises, or there is probable cause to believe that a condition of nonconformity with any provision of this chapter exists with respect to the designated premises, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the premises for conformity with the provisions of this chapter.

9.40.070.05.030 - Procedure for Issuance of Administrative Warrant.

1) *Examination.* Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2) *Issuance.* If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the premises to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3) *Police Assistance.* In issuing an administrative warrant on private property, including abatement warrants pursuant to Sweet Home Municipal Code 9.40.120.05, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described premises to remove any person or obstacle and to assist the Director or representative of the department inspecting the premises in any way necessary to complete the inspection or abatement.

9.40.070.05.040 - Execution of Administrative Warrant.

1) *Occupied Premises.* Except as provided in paragraph 2) of this subsection, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and

purpose to an occupant or person in possession of the premises designated in the warrant and show the occupant or person in possession of the premises the warrant or a copy thereof upon request.

2) *Unoccupied Premises.* In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in paragraph 1) of this subsection, but may promptly enter the premises if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

3) *Return* An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this paragraph the warrant, unless executed, is void.

9.40.070.06 - Historic Structures. The provisions of this chapter shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.40.070.07 - Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

Section 9.40.080 - Definitions.

9.40.080.01 All words and terms assume their dictionary definitions unless they are specifically defined in this chapter.

9.40.080.02 Words stated in the present tense in this chapter include the future; the singular number includes the plural, and the plural includes the singular.

9.40.080.03 Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof".

9.40.080.04 - Defined Terms. Unless the context otherwise specifically requires, for purposes of this chapter, the following terms and phrases mean:

1) *Abandoned Structure.* A vacant structure that is an attractive nuisance.

2) *Abatement (e.g., of a Nuisance).* The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

3) *Accessible Means of Egress.* This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any

accessible point in a building or facility to a public way.

4) *Accessory Structure.* Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.

5) *Agent.* A person authorized by another to act in his/her behalf.

6) *Approved.* Meets the standards set forth by this chapter, or is approved by the Director.

7) *Attic.* The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.

8) *Attractive Nuisance.* Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

9) *Basement.* That portion of a building or structure which is partly or completely below grade.

10) *Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

11) *Bedroom.* Any room or space used or intended to be used for sleeping purposes.

12) *Boarded.* The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, consistent with administrative operating guidelines, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

13) *Building.* Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or similar purposes.

14) *Building Code.* The specialty codes adopted and as may be amended by the City of Sweet Home, as provided in Sweet Home Municipal Code Chapter 15.03.

15) *Building Official.* The City of Sweet Home Building Official, or a designee authorized by the Building Official.

16) *Bulk Solid Waste.* Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

17) *Deterioration.* A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

18) *Derelict Structure.* A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

- a) Is unoccupied and unsecured;
- b) Is partially constructed;
- c) Is an abandoned structure or attractive nuisance;
- d) Is in condition of deterioration;
- e) Has an infestation of pests;
- f) Has doors or windows boarded over, or;
- g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

19) *Dilapidation.* Being in a state of partial ruin, decay or disrepair.

20) *Director.* The person appointed by the City Manager as the Community Development Director for the City of Sweet Home, or the person charged by the City Manager with the implementation and enforcement of this chapter, or the appointed person's designee.

21) *Dwelling.* Any structure containing one or more dwelling unit.

22) *Dwelling Unit.* A single unit within a dwelling providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation.

23) *Exit.* A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

24) *Exterior Property.* The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

25) *Extermination.* The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

26) *Hazardous Solid Waste.* Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

27) *Habitable*. Suitable for human habitation.

28) *Habitable Space*. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

29) *Hazardous Thicket*. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

30) *Hearings Officer*. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this chapter.

31) *Human Habitation*. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

32) *Imminent Hazard*. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

33) *Incipient Hazard*. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

34) *Indoor Fixture*. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

35) *Indoor Furnishing/Furniture*. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

36) *Infestation*. The presence of pests in large numbers that is harmful or bothersome within or adjacent to a building or structure or upon premises.

37) *Junk*. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term “junk” includes, but is not limited to:

a) any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat, without a vehicle license or with an expired licence; or

b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer or boat that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,

c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,

d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

e) any appliance or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,

g) any bulk solid waste; and,

h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

38) *Landlord.* The owner or lessor of a dwelling unit, a building, or premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

39) *Legally Occupied.* The use of premises for a purpose authorized by law, including the building code and the Sweet Home land development code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

40) *Let for Occupancy or Let.* To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

41) *Maintained Compost.* A small portion of property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

42) *Means of Egress/Doors.* A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

43) *Multi-Family Dwelling.* A building or structure within which are comprised three or

more dwelling units.

44) *Must.* Mandatory

45) *Nature-scape.* Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

46) *Occupancy.* The purpose for which a building, structure or premises is used or intended to be used.

47) *Occupant.* Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

48) *Owner.* The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) *Partially Constructed.* An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more that six months, or that has not been completed prior to the expiration of any building permit.

50) *Person.* An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

51) *Pests.* Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

52) *Premises.* A lot or parcel of land, including any buildings or structures thereon.

53) *Rank Vegetation.* Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

54) *Receptacle.* With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

55) *Recycling.* The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

56) *Remediation.* The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

57) *Repair.* The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

58) *Residential Property.* Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.

59) *Rubbish.* Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

60) *Shall.* Mandatory.

61) *Solid Waste.* This term shall have the same meaning as provided under Sweet Home Municipal Code _____.

62) *Structure.* That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

63) *Temporary.* Unless otherwise specified, a period up to 6 months in any 12 month period.

64) *Unfit for Human Habitation.* A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) *Unoccupied.* Not legally occupied.

66) *Unsecured.* Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

67) *Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

68) *Watertight.* As secure as possible against the entry of rain, melt water and storm water.

69) *Waste Tire.* A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

70) *Weather tight.* As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

71) *Workmanlike.* Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Section 9.40.090 - Standards.

9.40.090.01 - General Maintenance Requirements. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this chapter. All systems, devices and safeguards required by this chapter or by a previous statute or code applicable to the building, structure or premises at the time the building structure or premises were erected or altered shall be maintained in good working order, thus ensuring the health and safety of all inhabitants.

9.40.090.02 - Existing Structures. An existing structure that does not comply with the provisions of this chapter shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.40.090.03 - Applicable Building Code. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

9.40.090.04 - Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner.

9.40.090.05 - Interior Conditions of Tenant Occupied Residential Structures. The provisions of this subsection shall be exclusively applicable to all structures occupied for residential use by tenants, regardless of the terms of their possession.

9.40.090.05.010 - Lighting of Accessible Means of Egress.

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit or sleeping unit within any such space, other than in 1-2 family dwellings, shall at all times:

a) provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,

b) for all other accessible means of egress within dwelling units, shall provide the means for minimum illumination of either 3 foot-candles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent

bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

2) Every landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:

a) 3 foot-candles (33 lux) at floors, landings and stairs; or,

b) shall provide at least one operable fixture capable of illuminating a 6-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all accessible means of egress.

9.40.090.020 - Ventilation.

1) Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold, growth, or deterioration of the structure.

2) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:

a) Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.

1) The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.

b) In kitchens, a local exhaust ventilation system shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

c) Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

d) Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.40.090.05.030 - Electrical System.

9.40.090.05.030.01 - *Equipment Exposed to Water.*

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling

unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.

2) For purposes of this subsection, “exposed to water” shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

3) **Exception:** Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer’s representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may repaired, safely reenergized, and placed back into service.

9.40.090.05.030.02 - Circuit Protection.

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

1) Every kitchen and other interior location with a water containment or water supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

2) Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.

3) All receptacle outlets shall have the appropriate faceplate cover for the location.

9.40.090.05.040 - Plumbing System.

9.40.090.05.040.01 - General

1) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.

2) All sinks, lavatory basins, bathtubs and showers with a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi,

9.40.090.05.040.02 - Hot Water.

Every landlord of any structure, building or premises who rents, leases or let a dwelling unit within any such space shall be responsible to provide and maintain each dwelling unit in accordance with these standards;

1) Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

2) Exceptions:

a) at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

b) at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.40.090.05.050 - Interior Sanitation.

9.40.090.05.050.01 - *General.*

The interior of every structure that is rented, leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this subsection, the term “clean and sanitary” shall mean free from any material or condition that:

1) Provides a breeding place for insects, rodents or vermin; or,

2) Produces dangerous or offensive gases or odors; or,

3) Blocks exits, hallways, corridors or accessible means of egress; or,

4) Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.40.090.05.050.02 - *Occupant Responsibilities.* Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

9.40.090.05.050.03 - *Landlord Responsibilities.*

Every landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

1) Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,

2) Pursuant to Sweet Home Municipal Code 9.40.090.05.050.01(4) of this chapter but not withstanding the requirement under Sweet Home Municipal Code 9.40.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or loose plaster,

decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,

3) Pursuant to Sweet Home Municipal Code 9.40.090.05.050.01(4) of this chapter but not withstanding the requirement under Sweet Home Municipal Code 9.40.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.40.090.05.060 - Heat in Bathrooms and Habitable Rooms.

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms and all bathrooms.

1) Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

2) No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this section.

3) All heating devices or appliances shall be of an approved type.

4) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms and all bathrooms.

9.40.090.05.070 - Window and Door Security.

9.40.090.05.070.02 - Entrance Doors.

Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

1) Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.

2) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.

3) For the purpose of this subsection, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.40.090.05.070.03. - Operable Windows. Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.40.090.05.070.04 - Basement Hatchways. Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

9.40.090.06 - Exterior Structure and Premises Conditions. The provisions of this subsection shall be applicable to all structures, properties and premises and for all occupancy and use types, with the exception that children's play structures shall be exempt from the maintenance standards herein established other than with respect to conditions that constitute imminent or incipient hazards, as those terms are herein defined. The assignment of responsibilities for owner, landlord and tenant occupants shall be as set forth within the following standards.

9.40.090.06.010 - Weatherproofing and Waterproofing. It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.40.090.06.010.01 - Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water.

1) Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal.

2) Any building or structure having originally been designed for and fitted with gutters and down-spouts shall continuously be maintained with such devices, in sound condition and good repair.

3) Roof drains, gutters and down-spouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.4002.090.06.010.02 - Exterior Walls and Exposed Surfaces.

Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

1) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

2) Every landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weather-tight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

3) Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

4) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust and corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.40.090.06.010.03 - *Windows and Doors.*

Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

1) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition;

2) Every exterior door, when closed, shall fit reasonably well within its frame;

3) Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building;

4) Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease of to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb;

5) Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.40.090.06.010.04 - *Glazing.* Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

1) All glazing materials shall be maintained free from cracks and holes.

2) Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.40.090.06.010.05 - Basement Hatchways. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.40.090.06.010.06 - Temporary Measurers. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

9.40.090.06.020 - Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.402.090.06.020.01 - Responsibilities.

1) The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements.

2) The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

9.40.090.06.020 - Holes, Tanks and Child Traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

9.40.090.06.020.03 - Unsecured Structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of SHMC 9.40.090.06.010.03 through SHMC 9.40.090.06.010,04 for weather-tight and watertight standards.

9.40.090.06.020.04 - Rat Harborage. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

9.40.090.06.020.05 - Emergency Access Routes. All brush, vines, overgrowth and other entangling or rank vegetation located with 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

9.40.090.06.020.06 - Thickets that Conceal Hazards.

Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth

is found to be:

- 1) Concealing trash and debris; or,
- 2) Creating rat harborage; or,
- 3) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

9.40.090.06.020.07 - *Trash and Debris.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise;

- 1) All garbage, offal, dead animals, animal and human waste, and waste materials;
- 2) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
- 3) All dead bushes, dead trees, and stumps with the exception of such material which:
 - a) Is being maintained as a part of a naturescaped property; and,
 - b) Does not result in a nuisance as otherwise defined in this chapter; and,
 - c) Is located on a property which is otherwise substantially in compliance with this chapter;
- 4) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property;
- 5) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such materia in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and,
- 6) Accumulations of clothing and any other items not designed for outdoor storage.

9.40.090.06.020.08 - *Storage of non-Trash Items.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) Accumulations of wood pallets;
- 2) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be

properly disposed of at the direction of the City Forester;

3) Accumulations of vehicle parts or waste tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration;

4) All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and that are reasonably expected to be used at the site;

5) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration;

6) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property;

7) All recycling materials except for reasonable accumulations that are stored in a well-maintained manner;

8) All other non-trash items which:

a) Are of a type or quantity inconsistent with normal and usual use; or,

b) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.40.090.06.030 - Solid Waste Removal.

9.40.090.06.030.01 - *General.*

All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste.

1) Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid;

2) Bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.40.090.06.030.02 - *Occupant Responsibilities.* Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.40.090.06.030.03 - *Landlord Responsibilities.*

1) The landlord of any multi-family dwelling shall;

a) Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwellings unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,

b) Subscribe to and pay for weekly solid waste management service, including recycling and yard waste service, by a person holding a valid franchise from the City of Sweet Home. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

2) The landlord of any 1 and 2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall;

a) Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Sweet Home. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.40.090.06.040 - Building and Accessory Structures. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

9.40.090.06.040.01 - General Maintenance. The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

9.40.090.06.040.02 - Foundations and Structural Members.

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

1) All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

2) All supporting structural members in every building and structure shall be maintained

structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

9.40.090.06.040.03 - Exterior Walls and Exposed Surfaces. Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

9.40.090.06.040.04 - Brick and Veneers. Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

9.40.090.06.040.05 - Chimneys. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

9.40.090.06.040.06 - Roofs. All building roofs shall be structurally sound.

9.40.090.06.040.07 - Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition so as not to be in a state of deterioration.

9.40.090.06.040.08 - Accessory Structures. Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

9.40.090.06.040.09 - 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.

9.40.090.06.040.10 - Decks, Stairs and Handrails; Maintenance.

It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;

b) Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten,

deteriorated or loose;

2) Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected;

3) Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

9.40.09.07 - Fire Safety.

9.40.090.07.010 - Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.40.090.07.020 - Unobstructed Path of Travel.

1) Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.

2) Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.40.090.07.030 - Fire Resistive Assembly; Maintenance.

1) Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

2) The surfaces of all other non-rated interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

9.40.090.07.040 - Smoke Detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275 and 479.285, and applicable rules of the State Fire Marshal.

Section 9.40.100 - Enforcement.

9.02.100.01 - Enforcing Compliance.

To enforce any of the requirements of this chapter, the Director may gain compliance by:

1) Instituting an action before the Hearings Officer; or

2) Causing appropriate action to be instituted in a court of competent jurisdiction; or,

3) Imposing criminal or civil penalties, or both; or

4) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.40.100.01.010 - *Initial Contacts.*

1) The city receives complaint or information of possible violation of this chapter.

2) One contact is made with responsible party, when possible, and the property is inspected.

3) If no violation exists or violation conditions are immediately corrected, the file is closed.

4) If violation exists and cannot be immediately corrected, the Director may issue to the responsible party a correction notice that identifies code violation, specifies required abatement action, and assigns a deadline for completion of abatement, consistent with the provision of this chapter. Service of the correction notice may be made:

a) in person when contact can be promptly made at the premises; or,

b) for occupant responsibility circumstances at 1-2 Family dwellings, the correction notice may be posted conspicuously on the dwelling if the person contact is not made; or,

c) via US First Class mail.

d) Failure for service to be made in the manner provided for within this paragraph shall not render the correction notice void.

5) A copy of a correction notice issued shall be forwarded to the landlord and the occupant if either is not the responsible party identified as recipient of the notice;

a) copy will be mailed to the owner of the property at the address on record with the county assessor's office;

b) a link to an electronically accessible copy will be emailed to the landlord when that person is registered with the city and has provided an email address;

c) copy will be mailed to the occupant(s) of the affected premises by situs address(es).

9.40.100.01.020 - *Notice of Violations.*

1) If violation exists and remains uncorrected after issuance of correction notice, the Director may issue a notice of violation to the responsible party.

a) Notice of violation will identify code violation, will specify required abatement action, and will assign a deadline for completion of abatement, consistent with the provision of

this chapter.

b) A copy of a notice of violation issued shall be forwarded to the landlord and the occupant if either is not the responsible party identified as recipient of the notice.

1) copy will be mailed to the owner of the property at the address on record with the county assessor's office;

2) a link to an electronically accessible copy will be emailed to the landlord when that person is registered with the city and has provided an email address;

3) copy will be mailed to the occupant(s) of the affected premises by situs address(es).

c) Person receiving a notice of violation may request an extension of period of time to correct the violation.

9.40.100.02 - Compliance Period for Required Abatement Response.

1) Other than as specifically provided for under paragraph 2) of this subsection, the landlord or occupant responsible for any violation of the standards specified under subsection 9.40.090 shall be ordered to complete required repairs or abatement within 7 days, plus three days if the notice and order are mailed rather than served on the person.

2) When the finding of violation of a standard of this chapter is due to any of the following conditions the landlord or occupant, as applicable, shall be ordered to complete the required repair or abatement with 48 hours:

a) lack of heat, per SHMC 9.40.090.05.060;

b) lack of water, or any properly functioning toilets or sinks, per SHMC 9.40.090.05.040.01;

c) lack of hot water, per SHMC 9.40.090.05.040.02;

d) lack of any properly functioning smoke detector, per SHMC 9.40.090.07.040;

e) uncontained solid waste, other than bulk solid wastes, per SHMC 9.40.090.06.030.

9.40.100.03 - Failure to Obey Order of Director.

1) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty administering this chapter.

2) It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

Section 9.40.110 - Derelict Structures.

9.40.110.01 - Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance and their presence prohibited.

9.40.110.02 - Prohibited Habitation.

1) No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

2) A violation of this subsection is a separate Class C misdemeanor each day that the violation exists or continues.

9.40.110.03 - Order to Vacate Buildings or Structures.

1) If the Director finds that a building or structure is or exists in a condition in violation of SHMC 9.40.110.01, the Director may order that a placard be posted on the building or structure ordering the building or structure vacated. The placard shall additionally contain the information required in SHMC 9.40.120.02(2).

2) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.40.110.04 - Removal of Placard Prohibited.

The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

1) No person shall deface or remove a placard without the approval of the Director.

2) A violation of this subsection is a separate offense each day that the violation exists or continues.

9.40.110.05 - Temporary Safeguards.

Notwithstanding any other provisions of this chapter, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may:

1) Order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and,

2) Cause such other action to be taken that the Director deems necessary to meet such condition.

9.40.1106 - Abatement of Derelict Structure by Remediation.

1) *Public Hearing.* In addition to, and not in lieu of, the abatement remedies provided for in SHMC 9.40.120.01 through SHMC 9.40.120.02 and receivership authority in SHMC 9.40.120.08, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a) Notice. Upon receipt of such notice, the City Recorder shall:

- 1) set the matter for prompt public hearing before the Hearings Officer; and,
- 2) not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant; and,
- 3) cause notice to be posted on or near the derelict structure.

b) Service. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

2) *Presentation at Hearing.* At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner(s) and occupant(s) shall be afforded a like opportunity to rebut the determination.

a) Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue.

b) The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the state of Oregon.

3) *Order of Remediation.* If the Director demonstrates, by a preponderance of the evidence, that the building or structure is a derelict structure, the Hearings Officer shall order the conditions creating the derelict structure be remediated.

4) *Remediation Factors.* In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is:

- a) In a condition unfit for human habitation; or
- b) In a condition that is an incipient hazard, based on the number and extent of the following factors:
 - 1) Dilapidation;
 - 2) Disrepair;

- 3) Structural defects noted by the Building Official;
- 4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
- 5) Uncleanliness or infestation of pests;
- 6) Condition of sanitary facilities;
- 7) The presence of a public nuisance; and,
- 8) The history of unlawful activity in or around the building or structure.

Section 9.40.120 - Public Nuisances.

9.40.120.01 - Public Nuisance Prohibited.

1) *Declared Public Nuisances.* The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this chapter.

2) *Prohibition.* In addition to the provision of SHMC 9.40.110.01, no person shall cause, permit, or maintain a public nuisance on public or private property.

3) *Joint Responsibility.* If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.40.120.02 - Notice to Person Responsible.

1) *Notice.* Whenever the Director has reasonable grounds to believe that a violation of SHMC 9.40.120.01 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

2) *Form of Notice.* Such notice prescribed in SHMC 9.40.120.02(1) and SHMC 9.40.110.03(1) shall:

- a) Be in writing;
- b) Include a description of the premises sufficient for identification;
- c) Include a statement of the reason or reasons why the notice is being issued;
- d) Include a correction order allowing a reasonable time, as specified under SHMC 9.40.100.02, for the repairs and improvements required to bring the premises into compliance with

the provisions of this chapter;

e))Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible for correcting the public nuisance shall be responsible for the costs of such abatement;

f) Include instructions for requesting an appeal.

3) *Method of Service.*

a) Notices issued under this section shall be deemed to be properly served if a copy thereof is:

1) Personally delivered to the owner(s) and occupant(s); or

2) Sent by first class mail to the owner(s) and occupant(s) at their last known address; or,

3) Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address, if they cannot be located.

b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupants(s) shall not render the notice void and in such case the service shall be deemed sufficient.

4) *Effective Date of Notice.* All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing, if not personally served.

9.40.120.03 - Action by Responsible Party. Within the time specified for achieving compliance, as provided for under SHMC 9.40.100.02, the responsible party or person in charge of the property on whom the notice has been served or posted shall remove the nuisance or shall request an appeal hearing in accordance with SHMC 9.40.130.01 through SHMC 9.40.130.03.

9.40.120.04 - Recording a Violation.

1) The city may record a notice of violation issued under this section with the County Recorder.

2) Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice.

3) When the property is brought into compliance, a satisfaction of notice of violation shall be recorded if a notice of violation had been recorded against the property.

9.40.120.05 - Abatement Procedures - by the City.

1) If, within time prescribed under SHMC 9.40.100.02, the violation has not been corrected the Director may cause the violation to be corrected.

2) The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a 15 percent charge for administrative overhead.

3) The Director or a person authorized by the Director may enter upon the subject property to abate the nuisance only upon obtaining consent of the person in possession or in charge of the property; or upon obtaining an administrative abatement warrant pursuant to SHMC 9.40.070.05.

9.40.120.06 - Abatement Procedures - Assessment of Costs.

1) After abatement by the city, the Finance Director, by first class mail, shall forward to the owner(s) and occupants(s) a notice stating:

a) The total cost of correction, including the administrative overhead; and,

b) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of notice.

2) If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

3) Upon filing of such statement of costs and overhead required under paragraph 2) of this subsection, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with procedures under SHMC 9.40.110.06 (1) (a).

4) After the hearing, the Hearings Officer shall declare the correctness of such statement and shall declare those as may be accordingly validated to be a lien upon the property.

5) An error in the contents or service of any notice shall not void the assessment nor will a failure of the owner to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

9.40.120.07 - Abatement Procedures - Summary Abatement. The Director may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or to property. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.40.120.08 - Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and that the owner has not acted in a timely manner to correct the violation, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.40.120.09 - Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner below as a lien for the entire amount placed against the real property.

1) Any cost of abatement, fine, assessment or civil penalty imposed pursuant to this chapter, which remains unpaid 30 days after the penalty is imposed (or after the fine, assessment or civil penalty has been affirmed on appeal), shall be filed as a lien against the lot, lots or parcels of land involved in the city lien docket.

2) At the time of filing in the city lien docketed, notice shall be provided to the responsible person. If the responsible person is not the owner of the property shown in the electronic records of the Linn County Assessor on that date, then notice shall also be sent to the owner of the property. Failure to provide notice shall not in any way effect the validity of the lien. The notice shall state that the amounts imposed as penalties shall be payable and due, and that the penalties shall be liens against the lots, parcels of land involved, respectively.

3) All such liens remaining unpaid after 30 days from the date of recording on the city lien docket shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The liens shall be enforced in the manner provided for municipal liens in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character.

4) Pursuant to this chapter, the City Council, as the legislative body of the city, elects to treat costs associated with the enforcement of property maintenance and livability standards, and any related fine, assessment or administrative civil penalties, as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any derelict structure or public nuisance and/or any fine, assessment or administrative civil penalty not paid within 30 days shall be an assessment and lien against the property where the building is located.

Section 9.40.130 - Appeals.

9.40.130.01 - Appeals Generally. Any person served a notice, order, interpretation or decision under authority of this chapter has the right of appeal from the notice, order, interpretation or decision to the Hearing Officer.

9.40.130.02 - Filing of Appeal.

1) *Appeal Period.* An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date that the notice or order was issued.

2) *Appeal Fee.* Any appeal submitted under this chapter shall include a filing fee set by City Council resolution.

3) *Scope of Appeal.* Appeals may be filed regarding technical matters of notices or determinations, administrative orders, and interpretations and decisions made by the Director relative to this chapter.

4) *Form of Appeal.* An appeal must be in writing and include the following:

- a) Name of person filing the appeal;
- b) Copy of the subject notice or order;
- c) Copy of the section of this chapter which is being appealed;
- d) A complete explanation of the appeal;
- e) An explanation of what is requested of the Hearings Officer.

9.40.130.03 - Appeal Procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under SHMC Sections 9.40.130.02 (1 - 4), and that the person filing the request for an appeal has standing.

2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Hearings Officer will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.

3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a hearing before the Hearings Officer. The hearing shall be held not later than 60 days after the filing of the appeal.

- a) The appeal shall be conducted on the record.
- b) Formal rules of evidence are not required.

c) The Hearings Officer shall have the authority to hear appeals of orders, decisions or determinations made under authority of this chapter to determine whether the substance of the

order, decision or determination was arbitrary and capricious.

d) The Hearings Officer shall not be empowered to waive requirements of this chapter, but shall be empowered to interpret this chapter and determine whether a violation has occurred.

e) The Hearings Officer shall issue a written finding and conclusion on the appeal within seven (7) days of the hearing, and shall provide a copy to the person filing the appeal and to the Director.

Section 9.40.140 - Penalties.

9.40.140.01 - Violation Penalties. Persons who violate a provision of this chapter or fail to comply with any of the requirements of this chapter or a directive of the Director authorized by this chapter shall be subject to the provisions of SHMC 9.40.140.02 through SHMC 9.40.140.04.060.

9.40.140.02 - Separate Violations.

1) Each day's violation of a provision of this chapter constitutes a separate offense.

2) The abatement of a nuisance or violation shall not constitute a penalty for violating this chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.40.140.03 - Violations.

9.40.140.03.010 - Imposition of Penalty. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearing Officer or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a violation, as designated under SHMC Chapter 9.36, unless otherwise provided for by the provisions of this chapter.

1) All such persons shall be required to correct or remedy such violations or defects within a reasonable time, consistent with SHMC 9.40.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

2) Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under law.

3) Upon conviction of a violation offense, any person shall be liable for the fines provided for under SHMC Chapter 9.36.

9.40.140.03.020 - Classification of Offenses.

1) Violation of the provisions of this chapter shall be designated as follows:

a) Violation of SHMC 9.40.090.06.030.01 through SHMC 9.40.090.06.030.03 Solid Waste is a Class A misdemeanor.

b) Violation of SHMC 9.40.120.01 (2) Public Nuisances is a Class B misdemeanor.

c) Violation of SHMC 9.40.090.07.010 through SHMC 9.40.090.07.040 Fire Safety provisions; SHMC 9.40.100.03 Failure to Obey; or SHMC 9.40.110.02 Prohibited Habitation is a Class C misdemeanor.

d) Violation of every provision of this chapter not otherwise designated herein is deemed a violation punishable upon conviction by a fine of not more than \$500 provided that 4 or more offenses for violation of same provision of this chapter within 24 month period shall constitute a Class C misdemeanor.

2) *Declaration of Violation.* Notwithstanding the designations provided for under paragraph 1) of this subsection, any violation of the provisions of this chapter may be declared to be an violation by the city.

9.40.140.04 - Civil Penalties.

1) In addition to and not in lieu of any other means of enforcement or any other penalty provided by law any person who shall violate a provision of this chapter or who shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in SHMC 9.40.140.04.060, plus an administrative fee and any cost of service or recording.

2) All such persons incurring a civil penalty shall be required to correct or remedy such violations or defects within a reasonable time, consistent with SHMC 9.40.100.02, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

9.40.140.04.010 - Purpose. The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this chapter.

9.40.140.04.020 - Civil Penalty against Agents. Any person who act as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty shall likewise be subject to a civil penalty.

9.40.140.04.030 - Procedure for Issuing Civil Penalty. A civil penalty shall be imposed under this section by issuance of a notice of civil money penalty. A civil penalty may be imposed for each day

the violation continues or remains. The notice of civil money penalty shall be issued and served in accordance with the procedures specified within this subsection.

9.40.140.04.030.01 - Notice of Civil Money Penalty.

1) If a civil penalty is imposed, the Director shall issue a notice of civil money penalty to the person responsible for the code violation.

2) The notice of civil money penalty shall include:

- a) reference to the applicable code provision(s);
- b) a statement of the basis of the finding of a violation;
- c) a statement of the amount of civil money penalty;
- d) a statement of the party's right to protest the civil penalty to a Hearings Officer;
- e) a statement that a delinquent civil money penalty may become a lien against the property.

and,

3) The notice of civil money penalty shall be served on the person responsible for the code violation by:

- a) Personal service; or,
- b) posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
- c) sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;

1) failure of the recipient to sign for the certified mail shall not make the notice void;

2) notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon;

3) notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

9.40.140.04.030.02 - Courtesy Notice to Owner. If the subject violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the notice of civil money penalty shall be sent to the owner of the property by first class mail, at the owner's address as reflected on the most recent tax rolls of the county assessor, at the same time as service on the person responsible.

9.40.140.04.040 - Protest of Civil Penalty.

1) A person issued a notice of civil money penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer.

2) An appeal request must be submitted to the City Recorder with seven days, plus three days for mailing, from the date of service of the notice of civil money penalty.

a) After a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may uphold or reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.

1) The Hearings Officer may not reduce the civil money penalty by any amount if a violation has not been corrected by the responsible party and inspected by the city.

2) The civil money penalty imposed by the Hearings Officer shall not be less than the minimum amount specified under SHMC 9.40.140.04.060(1).

9.40.140.04.050 - Collection of Civil Penalty.

1) The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer's decision.

2) The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a) A late payment charge shall begin to accrue from the date of delinquency.

b) If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice of civil money penalty and a late payment charge shall be entered in the docket of city liens in the manner provided under SHMC 9.40.120.09.

1) Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.

2) An error in the name of the owner shall not void the lien, nor shall a failure of the owner to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.40.140.04.060 - Amount of Civil Penalty.

The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with SHMC 9.402.140.04.040(2) (a) and operational guidelines in the amounts as follows:

1) Violation of a provision of this chapter may be subject to a civil penalty in an amount no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense;

2) In imposing a penalty authorized by this section, the Director shall consider:

a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

b) Any prior violations of statutes, rules, orders and permits;

c) The gravity and magnitude of the violation;

d) Whether the violation was repeated or continuous;

e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

f) The violator's cooperativeness and efforts to correct the violation; and

g) Any relevant rule of this or other city code.

PASSED by the Council and approved by the Mayor this day of , 201 .

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

MEMO

DATE: SEPT. 10, 2019
TO: SWEET HOME CITY COUNCIL
FROM: ROBERT SNYDER, CITY ATTORNEY
TOPIC: FOLLOW-UP ON THE EXCLUSION ORDINANCE

SUBJECT:

At the City Council meeting of August 27, 2019 there was presented for discussion several proposed ordinances. The following outline sets forth the status of the exclusion ordinance:

1. The Exclusion from Enhanced Law Enforcement Areas of City of Sweet Home Ordinance is on the September 10, 2019 City Council agenda for review and discussion. Staff is seeking consensus on the area designated for exclusion (See Exhibit A).

The above status of the proposed ordinance can be changed if the City Council desires to direct staff in developing this ordinance as presented or with appropriate amendments.

ORDINANCE BILL NO. __ FOR 2019

ORDINANCE NO. _____

SWEET HOME ORDINANCE PERTAINING TO EXCLUSION FROM ENHANCED LAW ENFORCEMENT AREAS OF CITY OF SWEET HOME

WHEREAS, the City desires to reduce unlawful behavior in certain areas within the City of Sweet Home by excluding certain persons therefrom that are the cause of said unlawful behavior;

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section 9.20.050 titled ENHANCED LAW ENFORCEMENT AREAS is created to read as follows:

A. Enhanced law enforcement areas are designed to protect the public from those whose illegal conduct poses a threat to safety and welfare. Enhanced law enforcement areas include the area within the City of Sweet Home encircled by the following boundary (and including those portions of the streets and rights-of-way mentioned herein): See Exhibit A attached hereto for area in blue.

B. A person is subject to exclusion for a period of 30 days from entering or remaining within an enhanced law enforcement area if that person has been cited to appear and/or arrested within an enhanced law enforcement area for a total of three (3) or more instances of unlawful behavior within the enhanced law enforcement area within the last five years. If the person to be excluded has been excluded from that enhanced law enforcement area at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. For purposes of this Section, unlawful behavior means violating or being charged with violating the crimes and violations listed in SHMC 8.12.020.

C. If a person excluded from an enhanced law enforcement area is found within the perimeter of the enhanced law enforcement area during the exclusion period, that person may be arrested for trespass in the second degree, as defined by ORS 164.245. A person is not considered to be within the enhanced law enforcement area if the person is within a vehicle that is

passing through the exclusion area.

D. The Chief of Police is designated as the person in charge of enhanced law enforcement areas for the purpose of issuing exclusion notices in accordance with this Section. Any Sweet Home Police Officer can issue exclusion notices in accordance with this Section.

E. At the time a person is cited to appear and/or arrested within an enhanced law enforcement area for any of the offenses specified in this Section, the officer making such cite to appear and/or arrest may deliver to that person a written notice excluding that person from the enhance law enforcement area. Any exclusion notice shall not take effect until the sixth day after the notice is issued.

1. The notice shall specify the area from which the person is excluded, the length of the exclusion, the penalty for entering the excluded area and contain information concerning the right to appeal the exclusion to the Judge of the Municipal Court.

2. The person to whom the exclusion is issued shall sign a written acknowledgment of receipt or the arresting officer shall make a written record of the refusal.

F. The person to whom an exclusion notice is issued shall have the right to an appeal from the issuance of the notice. The exclusion notice will notify the person of the right to appeal and process for appeal.

1. An appeal of the exclusion must be filed, in writing, within five business days of the issuance of the notice. The appeal must be filed with the Municipal Court. A hearing on the appeal shall be held before the Judge of the Municipal Court within 20 business days of the appeal. The exclusion shall be stayed during the pendency of the appeal.

2. The City shall have the burden to show by a preponderance of evidence that the exclusion was based upon the conduct proscribed by this Section. Copies of documents in its control and which are intended to be used by the City at the hearing shall be made available to the appellant at least two days prior to the hearing.

3. A determination by a court having jurisdiction of the

matter that the officer who issued the exclusion notice at the time had probable cause to cite and/or arrest the person to whom the exclusion notice was issued for the conduct described in this Section shall be prima facie evidence that the exclusion was based on conduct prohibited by those statutes, ordinances or code.

G. Variances from the exclusion may be granted at any time during the exclusion period by the Chief of Police, or by the Municipal Court.

1. The Chief of Police or the Municipal Court shall grant a variance to any person who can establish that he or she is a resident of the exclusion area, is employed within the exclusion area, or will use the waiver to visit the residence of a family member, to consult with an attorney, to attend alcohol or drug treatment sessions, to attend religious services or otherwise exercise a constitutional right, to pass through the exclusion area, to attend a public meeting, to attend a court hearing, to engage in any activity ordered by a court, to obtain social, medical or like services, or for employment purposes. A variance may also be granted when, in the discretion of the Chief of Police or the Municipal Court, the exclusion order is no longer necessary to preserve public health, safety or welfare. The denial of a variance may be appealed within five business days to the Municipal Court using the same procedures as for an appeal of the imposition of the exclusion.

2. All variances shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated on the variance.

3. The person shall keep the variance on his or her person at all times the person is within the exclusion area.

Passed by the Council and approved by the Mayor this ____ day of _____, 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. ___ FOR 2019

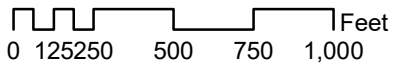
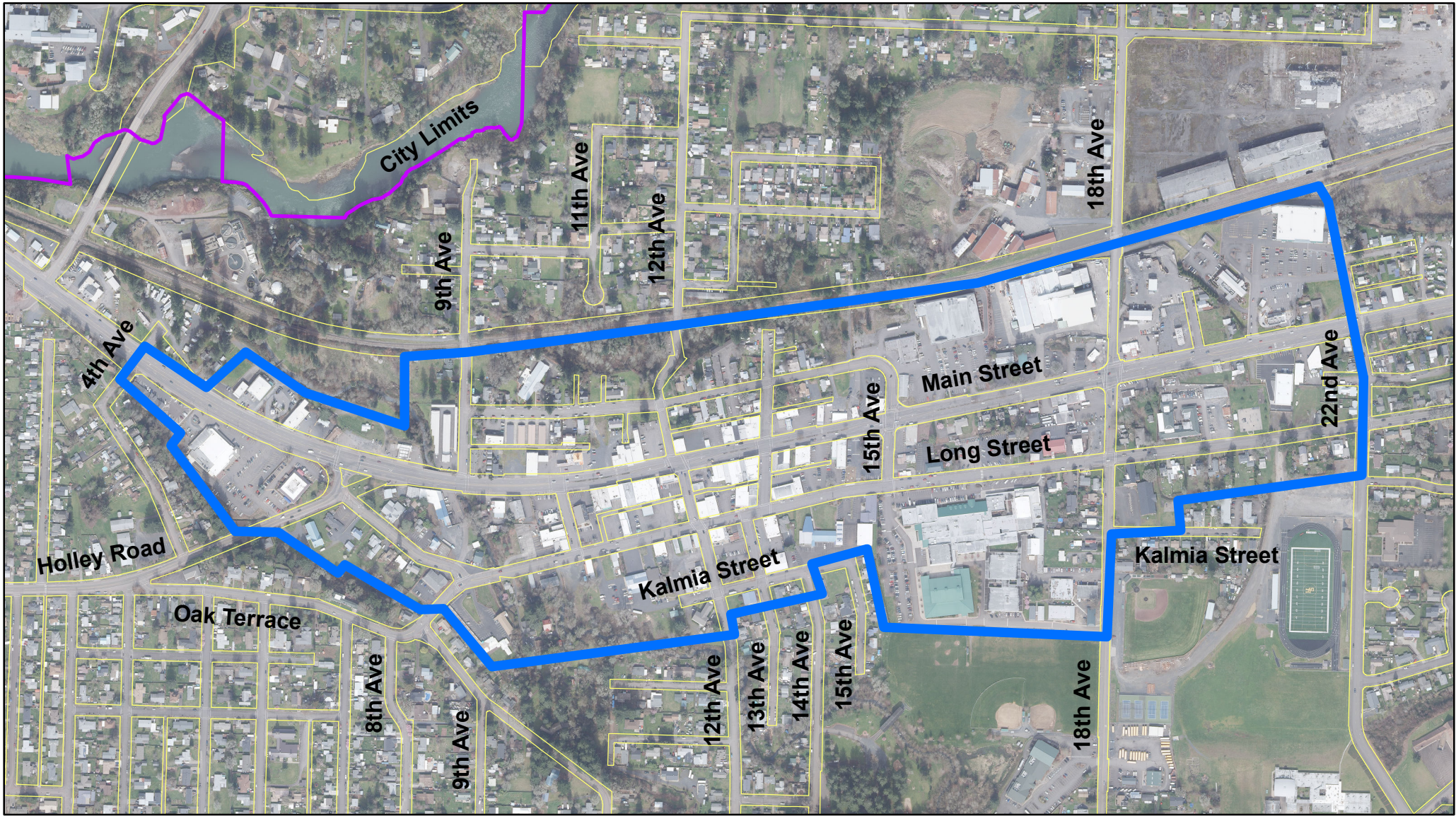


Exhibit A

MEMO

DATE: SEPT. 10, 2019
TO: SWEET HOME CITY COUNCIL
FROM: ROBERT SNYDER, CITY ATTORNEY
TOPIC: FOLLOW-UP ON URINATING OR DEFECATING ORDINANCE

SUBJECT:

At the City Council meeting of August 27, 2019 there was presented for discussion several proposed ordinances. The following outline sets forth the status of the urinating or defecating ordinance:

1. The Urinating or Defecating in Public Places Ordinance is being held for consideration in the future if the need arises. Staff will continue to use "offensive substance" language in current [SHMC 8.12.020](#) and [ORS 164.785](#) and [ORS 164.805](#) to deal with this situation.

The above status of the proposed ordinance can be changed if the City Council desires to direct staff in developing this ordinance as presented or with appropriate amendments.

ORDINANCE BILL NO. _____ FOR 2019

ORDINANCE NO. _____

AN ORDINANCE RELATING TO URINATING OR DEFECATING IN PUBLIC PLACES

WHEREAS, the City of Sweet Home wishes to promote clean and sanitary public areas and provide for the general good health of the public;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC 9.24.050 titled URINATING OR DEFECATING IN PUBLIC is created to read as follows:

It shall be unlawful for any person to intentionally or recklessly urinate or defecate in any public place except a restroom or toilet facility maintained for such purposes.

Section 2. A violation of this section is punishable by imprisonment in jail not to exceed 30 days or a fine not to exceed \$1,250.00, or both.

PASSED by the Council and approved by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: September 10, 2019	TITLE: Harvest Festival Road Closure	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION
SUBMITTED BY: Angela Clegg, Assoc. Planner	ATTACHMENTS: Special Event Permit, Attachments, Resolution.	<input checked="" type="checkbox"/> MOTION
REVIEWED BY: R. Towry, City Manager		<input type="checkbox"/> OTHER
RELEVANT CODE/POLICY: SHMC 10.04.030 Powers of the City Council	TOWARD COUNCIL GOAL: Goal #3.2: Look for methods to improve community safety, Police, Community Design, etc. Vision Statement #1 – WE Aspire to make Sweet Home a community people find desirable to live in.	

PURPOSE OF THIS RCA:

Request for City Council to adopt the attached Resolution concerning a temporary street closure during the Harvest Festival at Sankey Park on October 5, 2019.

BACKGROUND/CONTEXT:

The 13th Annual Harvest Festival event is scheduled for Saturday, October 5, 2019 at Sankey Park on 14th Avenue. Staff is expecting several hundred participants at the event in addition to vendors who will be setting up in the park area prior to the event. It is recommended that pass-thru traffic be rerouted away from this area. Residential access would be allowed. Participants would be instructed to park in parking lots nearby and the City will open upper Sankey Park to use as a parking lot for the event. Vendors would be instructed to park in the designated parking lots (see attached Road Closure, Parking, and Overview Map). Handicapped participants would be allowed to park in the designated Sankey Park parking lots upon arriving (see attached Road Closure, Parking, and Overview Map).

The closure would allow the Fun Run participants and Harvest Festival visitors an area with reduced safety issues associated with pedestrians and vehicles. If approved, letters will be sent to the homes along 14th Avenue informing them of this event and the subsequent closure. Traffic would continue to be allowed along Hawthorne, Grape and Fir Streets.

THE CHALLENGE/PROBLEM:

Ensuring the safety of participants during the Harvest Festival by closing 14th Avenue from just below Grape Street to Kalmia.

STAKEHOLDERS:

- City of Sweet Home Residents located around Sankey Park and along the two Fun Run routes
- Participants, families and vendors attending the event.

ISSUES & FINANCIAL IMPACTS:

1. Residents Adjacent to the Street Closure - Residents in the area would be notified of the closure. Residents along the Fun Run routes would be notified of the event the week prior with yard signs along the routes.

2. Police Department – notified of event for possible traffic issues.
3. Fire Department – notified of the event in case services are needed.
4. Street Department – staff has helped during past events with set up of event site, delivering signage and equipment, picking up signage and tear down of event site.
5. Planning and Community Development – organizing and hosting the event

ELEMENTS OF A STABLE SOLUTION:

Consideration of safety for event attendees, while not inconveniencing local neighbors for a significant length of time.

OPTIONS:

1. Do Nothing. Staff would allow traffic on 14th Avenue.
2. Approve Resolution No. 26 for 2019 as presented concerning street closures and restrictions for the 2019 Harvest Festival.
3. Recommend different traffic control methods on 14th Avenue. Staff would work with the Sweet Home Police Department and the Public Works Department to revise the traffic control plan.

RECOMMENDATION:

Staff recommends option 2, Motion to approve Resolution No. 26 for 2019 as presented, concerning street closures and restrictions for the 2019 Harvest Festival.

RESOLUTION NO. 26 FOR 2019

A RESOLUTION CONCERNING STREET CLOSURES AND RESTRICTIONS.

WHEREAS, traffic patterns and parking issues need to be addressed to safely accommodate the Harvest Festival event; and

WHEREAS, Sweet Home Municipal Code 10.04.030 provides that the City Council may, by resolution, establish or alter traffic and parking control;

NOW, THEREFORE, the City of Sweet Home does resolve as follows:

Traffic regulations shall be kept in effect as follows:

- A. From 9:00 AM to 4:00 PM on October 5, 2019, 14th Avenue from Kalmia Street to just below Grape Street shall be closed and blocked off to vehicular traffic at the direction of the City Manager or his designated representative.
- B. Residential access will be allowed.
- C. Appropriate signs or other markings shall be installed by the Public Works Department to carry safely out the provisions of this resolution and shall become effective immediately upon the installation of such barricades, signs, or other markings.

PASSED by the Council and approved by the Mayor this 10th day of September 2019.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8969
Fax 541-367-5007
www.sweethomeor.gov

Notice of Road Closure

The City of Sweet Home will be hosting the 13th Annual Harvest Festival on October 5, 2019. The event begins at 10:00am, with a Fun Run starting at 9:45am. Set up of the event will start at approximately 7:00am and end approximately 6:00pm.

For the safety of the Harvest Festival Participants, 14th Avenue will be closed to through traffic and parking from Kalmia to just below Grape Street. This will be a partial closure as it will still provide full and unhindered access to pedestrians, emergency services and affected property owners. We do ask that traffic be kept to an absolute minimum from 9:00am until 4:00pm.

For more information regarding this road closure and comments please contact:

Angela Clegg
541-367-8113
aclegg@sweethomeor.gov

City of Sweet Home
Community & Economic Development Dept.
3225 Main Street
Sweet Home, OR 97386

For more information regarding Sweet Home Harvest Festival, please visit www.sweethomor.gov



Special Event Permit

(For use of Public Property or in City Right-of-Way)

Application Packet and Guidelines



Table of Contents

Special Event Application Instructions	2
Special Event Policies and Procedures	3
Permit Application	4
Hold Harmless Agreement	5
Event and Equipment Rental Fees	6
Sankey Hut Rental.....	7
Fact Sheet	8
Task List / Time Line	9
List of Vendors	10
Event Overview Map.....	11
Vendor Site Map	12
Application Checklist.....	13



INSTRUCTIONS FOR COMPLETING THE SPECIAL EVENT PERMIT APPLICATION

A “Special Event” is defined as an event with greater than 75 people in attendance, exclusive use of a City facility, or the group is asking for special exemptions.

Careful completion of the form will help to avoid delays in processing. It is important to follow the instructions and provide clear and accurate information. Submit all necessary documents with the application

1. **Review the *Special Event Permit Application Packet and Guidelines***
2. Complete Special Event Permit Application (see Application Checklist)
3. Schedule a meeting with the Community Economic and Development Department to review your application.
4. Obtain a Certificate of Insurance from your insurer. The Certificate must:
 - a. List the name and date(s) of the event
 - b. State the limits of liability are as follows:
General Liability insurance generally in the amount of one-million dollars (\$1,000,000) combined single limits per occurrence
Two-million (\$2,000,000) aggregate
 - c. **An endorsement naming the City of Sweet Home as an additional Insured.**
Such insurance shall be primary to any insurance carried or maintained by the City. Upon recommendation of the City Manager or designee and based upon the event’s risk rating, staff may require certain events to hold larger insurance policies. The insurance policy shall be written on an occurrence basis, shall name the City as an additional insured, shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period not less than twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon thirty (30) days’ written notice to the City.
 - d. **The applicant must request their insurer add in the “Description of Operations” box on the Certificate of Liability Insurance to read: “The certificate holder is afforded coverage as an Additional Insured but only with respects to claims arising out of the negligence of the named insured.” The certificate holder must be named in the designated box as: “City of Sweet Home, 1140 12th Avenue, Sweet Home, OR 97386.”**

A PERMIT WILL NOT BE ISSUED WITHOUT RECEIPT OF AN APPROVED CERTIFICATE OF INSURANCE AND AN ENDORESENT NAMING THE CITY AS AN ADDITIONAL INSURED IS RECEIVED VIA POSTAL MAIL, EMAIL OR FAXED TO THE CITY DIRECTLY FROM THE INSURANCE COMPANY.

5. Submit a **completed** Special Event Permit Application, all additional required materials, and the event application fee **at least 45 days** prior to the event to:
6. **For event with 75** people in attendance and over you must complete all of the pages, except page 7 The Sankey Hut Rental (unless you are planning to rent the Hut).
7. **For events under 75 people** you must complete the above plus pages 4-8 (exclude page 7 if not renting the Sankey Hut).

City of Sweet Home
Community and Economic Development Department
3225 Main Street
Sweet Home, OR 97386
(541) 367-8113



SPECIAL EVENT POLICIES AND PROCEDURES

1. Special Event Permit applications must be submitted in full at least 45 days prior to the event. 60 days is better in case the City requires additional information, staff vacations, etc.
 2. **All streets shall be accessible** to emergency equipment at all times. Only readily removable barricades shall be used to close the streets.
 3. You will **report any problems or damage** to the Community Development Department immediately. During regular business hours (8am-5pm), call **541-367-8113**. At other times call the police non-emergency number, **541-367-5181**.
 4. You will set up and remove all equipment, structures, and materials for the reserved park activity within the block of time specified in the park permit.
 5. You will not drive a motorized vehicle on a bicycle path or pedestrian path in a city park.
 6. You will park only in designated parking areas that have paved or gravel surfaces. Parking is not permitted on grass, in landscaped areas, or under tree canopies.
 7. **All debris and trash is the responsibility of the event organizer**. It must be removed from the event site during the event. In addition, the event site must be cleaned within twelve (12) hours after the end of the event, or no later than 11 a.m. on the next day. The City's Public Works Department must provide garbage removal service. Contact the City at 541-367-6359.
 8. You will not deposit charcoal briquettes on the ground or in garbage cans. If a charcoal disposal bin is not available, take the charcoal briquettes with you when you leave.
 9. **You will properly dispose of garbage that exceeds the capacity of the garbage receptacles at the park facility**. You can rent a dumpster through a private vendor or haul off your bagged garbage and recyclables yourself. Excess garbage left at the rental facility will be removed at your expense. A fee for service will be deducted from your security deposit.
 10. You will remove all signs or markings associated with the reserved park activity. **Paint is not permitted for marking** pavement or structures. Chalk is acceptable but must be removed immediately after the event.
 11. You will return all keys to City Hall (1140 12th Avenue) on the next business day after the reserved park activity.
 - Keys will be distributed by authorized City employees only.
 - Keys will not be copied by anyone other than authorized City employees.
 12. You will obtain an underground utility locate and permission from the Community Development Department if sign posts, stakes, or spikes will be driven into the ground.
 13. You will accept the park facilities, including the premises and equipment, in their present condition.
 14. You will reimburse the City for all damages to the premises or property resulting from their use, other than ordinary wear and depreciation, as determined by the City.
 15. You will conform to all rules and regulations of the City.
 16. You agree to provide adequate supervision and be responsible for any improper conduct of the attendees, both individually and collectively, while on the City premises or utilizing facilities.
 17. You agree that the use of the facilities and this permit is revocable by the City at any time at the City's option.
 18. You agree to hold the city harmless and indemnify the city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by the permittee.
 19. You agree that the permittee and any other person who allows or causes damage to park facilities, park areas, and any other property owned by the city shall be liable to the city for the damage caused.
- I agree to abide by all Federal, State, and municipal equal opportunity laws and regulations prohibiting discrimination.



Community and Economic Development Department

SPECIAL EVENT PERMIT APPLICATION

1. Name of Event: _____ Date(s) of Event _____
2. Setup Start Time/Date: _____ Event Start Time: _____
3. Event End Time: _____ Clean Up End Time/Date: _____
4. Sponsoring Organization: _____
5. Event Coordinator/Primary Contact: _____
6. Mailing Address: _____
7. Day Time Phone: _____ Cell Phone: _____
8. Email: _____ Fax: _____
9. Secondary Contact: _____ Phone: _____
10. Is Alcohol Being Served? Yes No If YES include a copy of the State Liquor Permit.
11. Do you wish to utilize any City property, such as a park? Yes No
If YES, which one(s)? _____
12. Will this event include Food Vendors of any type? Yes No
If YES, all vendors must apply for a Temporary Restaurant License with the Linn County Health Department 541.967.3821, (ORS 624.025). The Vendors must apply three weeks before the start of the event. A list of vendors is required to be submitted with this application.
13. Anticipated Number of Attendees? _____

THE PRIMARY CONTACT MUST LIST A DAY OF EVENT PHONE NUMBER IF NOT LISTED ABOVE.

FOR OFFICE USE ONLY:			
Planning		Engineering	
CEDD Director		Police Chief	
Fire Chief		Public Works Director	
STAFF – INITIAL AND DATE UPON APPROVAL OR ATTACH MEMORANDUM WITH CONDITIONS			

PAYMENT AMOUNT: _____ CASH CC CHECK # _____
 RECEIVED BY: _____ DATE: _____

PERMIT APPROVED: Yes No

Authorized City Signature: _____ **Date:** _____



Community and Economic Development Department

Event and Equipment Rental Fees

Description	Fees: <u>Non-Refundable</u>	Fees: Refundable	Replacement Costs	Total Owed	Total Paid	Date Paid
Bandstand	\$15.00/hour or \$100 maximum	\$100.00				
Outdoor Event Center	\$15.00/hour or \$100 maximum	\$100.00				
Gazebo	\$15.00/hour or \$100 maximum	\$100.00				
Sankey Hut	\$15.00/hour or \$100 maximum	\$100.00				
Weddle Bridge	\$15.00/hour or \$100 maximum	\$100.00				

Total Equipment Items not to exceed a \$400.00 replacement costs. Items described below are subject to availability. A 24-hour notice is required before pick-up. Two-day maximum rental.

Description	Fees: <u>Non-Refundable</u>	Fees: Refundable	Replacement Costs	Total Owed	Total Paid	Date Paid
Tables	\$5.00/table	\$100.00	\$60.00			
Chairs	\$1.00/chair					
2' Fold Up Barricade	\$3.00/ Barricade		\$25.00			
2' Fold Up Plastic Barricades	\$3.00/Barricade		\$40.00			
8' Barricade	\$3.00/Barricade		\$45.00			
Small Barricade – "No Park"	\$3.00/Barricade		\$24.00			
Photo Cell Battery Light	\$3.00/Light		\$20.00			
18" Traffic Cones	\$3.00/Cone		\$10.00			
28" Traffic Cones with Reflective Strip	\$3.00/Cone		\$19.00			
Construction Signs with Sign Holders	\$10.00/Sign		\$50.00			
Slow/Stop Paddle	\$3.00/Each		\$18.00			
Slow/Stop Paddle with 30" Handle	\$5.00/Each		\$20.00			
Slow/Stop Paddle with 60" Handle	\$5.00/Each		\$21.00			
Hydrant Wrench	\$5.00/Each		\$35.00			
Safety Vests			\$12.00/Each			



Community and Economic Development Department

SANKEY HUT RENTAL

Pass Code: _____ (given by staff upon payment of fees)

Please read and initial each line below:

- I agree to not share my pass code with anyone else.
 - Pass codes will be distributed by authorized City employees only.
- I agree to report any problems or damage to the Community Development Department immediately. During regular business hours (7am-4pm), call **541-367-8113**. At other times call the police non-emergency number, **541-367-5181**.
- I agree to set up and remove all equipment, structures, and materials for the reserved hut activity within the block of time specified in the park permit.
- I agree to pick up and properly dispose of all trash, litter, and food from the reserved hut activity.
- I agree to properly dispose of garbage that exceeds the capacity of the garbage receptacles at the hut facility. You can rent a dumpster through a private vendor or haul off your bagged garbage and recyclables yourself. Excess garbage left at the rental facility will be removed at your expense. A fee for service will be deducted from your security deposit.
- I agree to remove all signs or markings associated with the reserved hut activity. Paint is not permitted for marking pavement or structures. Chalk is acceptable but must be removed immediately after the event.
- I agree to obtain an underground utility locate and permission from the Community Development Department if sign posts, stakes, or spikes will be driven into the ground.
- I agree to accept the hut facilities, including the premises and equipment, in their present condition.
- I agree to reimburse the City for all damages to the premises or property resulting from their use, other than ordinary wear and depreciation, as determined by the City.
- I agree to conform to all rules and regulations of the City.
- I agree to provide adequate supervision and be responsible for any improper conduct of the attendees, both individually and collectively, while on the City premises or utilizing facilities.
- I agree that the use of the facilities and this permit is revocable by the City at any time at the City's option.
- I agree to hold the city harmless and indemnify the city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by the permittee.
- I agree that the permittee and any other person who allows or causes damage to hut facilities, park areas, and any other property owned by the city shall be liable to the city for the damage caused.
- I agree to abide by all Federal, State, and municipal equal opportunity laws and regulations prohibiting discrimination.

Staff Use Only:

Clean up verified by Staff _____, _____
Date signature of staff

Deposit Returned _____, _____
Date signature of staff



FACT SHEET

Harvest Festival 2018 Final Vendor List

Application	Location	Last	First	Company	Address	City	State	Zip	Craft	Phone	Email	Space	Outlet?	Bridge?	Lawn?	No?	S/N?	Notes	
Yes	Bridge	DeBrie	Jan	JJ's Nigerians	28644 Kings Bury Rd	Lebanon	OR	97355	Goat's Milk lotion & soaps	(541) 401-4694	jannyw@centurytel.net	1	No	Yes	No	No	No		
Yes	Bridge	Morgan	Elien	Premier Designs Jewelry	4407 SE Roethe Rd #12	Milwaukie	OR	97267	Jewelry	(503) 453-7118	emorgan88@comcast.net	11	No	Yes	No	No	No		
Yes	Bridge	Olsen	Liz	doTERRA	1443 Long St	Sweet Home	OR	97386	essential oils	(541) 619-5292	sweetolsens@comcast.net	2	No	Yes	No	No	No		
Yes	Bridge	Patton	Nancy	Kids Free Christmas Store	3041 Foothills Dr	Sweet Home	OR	97386	Sell Baskets for Drawing & Info Booth	(541) 409-4276	pattonprod2@aol.com	25	Yes	Yes	No	No	No		
Yes	Bridge	Scott	Sue		PO Box 175	Foster	OR	97345	Sweet Home Rubber Stamps, jewelry	(541) 367-4618	scandicraftsusa@gmail.com	24/23	No	Yes	No	No	No	2 bridge spots	
Yes	Bridge	Peters	Cecelia	Pottery by Cecelia Peters	PO Box 1386	Albany	OR	97321	Ceramics & Watercolors	(541) 791-1144	cpinoregon@gmail.com	8	Yes	Yes	No	No	No		
Yes	Bridge	Stewart	Tracy	Uniquely Ewes	942 N Albany Rd	Albany	OR	97321	Hand spun yard knitted hats	(541) 967-6119	tracysroom@proaxis.com	3	No	Yes	No	No	No		
Yes	Bridge	Noll	Sharon		448 Strawberry Loop	Sweet Home	OR	97386	handmade crafts / holidays	(541) 818-8717	dean.noll@yahoo.com	4	No	Yes	No	No	No		
Yes	Bridge	Olin	Tracy	Foster Lake Inn	6281 Hwy 20	Foster	OR	97345	Halloween & Fall Décor	(541) 401-7601	fosterlakeinn@comcast.net	15	No	Yes	No	No	No		
Yes	Bridge	Larkin	Andrea	Red Diamond Freeze Dried Creations	P O Box 832	Sweet Home	OR	97386	freeze dried foods	(541) 521-4242	andrearitzman@gmail.com	28	Yes	Yes	No	No	No		
Yes	Bridge	Passmore	Angie	Prehistoric to Present	41165 Stayton Scio Road	Stayton	OR	97383	Petrified wood, thundereggs	(541)936-2292	prehistorictopresent@yahoo.com	7	Yes	Yes	No	No	No	in	
Yes	Bridge	Provence	Helen	Provence Artisan Designs	30812 Waterloo Rd	Lebanon	OR	97355	hand made pens, jewelry, and other handmade items	(541) 401-3459	ellie68@gmail.com	21/22	No	Yes	No	No	No		
Yes	Bridge	Passmore	Brenda	Passmore Jams	1530 Tamarack St #208	Sweet Home	OR	97386	Jellies & Handmade Cards	(541) 409-8744	passmorejams@gmail.com	6	No	Yes	No	No	No		
Yes	Lawn	Bevier	Suzanne	Heritage Hill Toys	7536 Spelbrink Ln SE	Salem	OR	97317	Crocheted items	(503) 400-0272	suzannebevier@hotmail.com		No	No	10'x15'	No	No		
Yes	Lawn	Clemens	Cecile	Mrs. Sew & Sew's	1352 Quince St	Sweet Home	OR	97386	Aprons, purses, dolls, crafts	(541) 971-1223	firstmate1951@gmail.com		No	No	10'x10'	No	No		
Yes	Lawn	Krebs	Wolf	Timberwolf Farm	26251 Old Holly Rd	Sweet Home	OR	97386	Wool items	(541) 367-8779	kwkreb@gmail.com		No	No	10'x10'	No	No		
Yes	Lawn	McCarthy	Raelyn	Gypsy Lee Gifts	403 35th Ave	Albany	OR	97322	Glass Balls, Jewelry, Art Tiles, Honey House	(541) 220-1354	gypsyleepgifts@gmail.com		No	No	10'x20'	No	No		
Yes	Lawn	Meyers	Diana	The Gourmet Cupboard	1202 40th Ave	Sweet Home	OR	97386	gourmet food mixes	(541) 401-5104	hynndi3@hotmail.com		No	No	10'x10'	No	No		
Yes	Lawn	Rice	Trish		39415 Pligman Dr	Lebanon	OR	97355	jewelry, candles, sewn goods	(541) 231-0000	pmcatnip@yahoo.com		No	No	10'x10	No	No		
Yes	Lawn	Strawn	Christine	Grandma Honey's Pie Palace	30271 Horse Shoe Loop	Lebanon	OR	97355	homemade fruit pies & muffins	(541) 259-9160	christine.strawn@ovhlebanon.org		No	No	8'x8'	No	No		
Yes	Lawn	Swenson	Jessica	Swenson's Sweet Creations	4308 Airport Rd	Sweet Home	OR	97386	hand painted items: coasters, earrings, rind dishes	805-404-1359	swensonssweetcreations@gmail.com		No	No	10'x10	No	No		
Yes	Lawn	Riley	Gina	Land O'Ray Crafts	PO Box 157	Sweet Home	OR	97386	burial wreaths	541-905-6055	ginacooks@comcast.net		No	No	12x12	No	No		
Yes	Lawn	Calderwood	Jamie	A Goddessgifts	4638 Hwy 20	Sweet Home	OR	97386	Jewelry / crafts	(503) 593-9627			No	No	10x10	No	No	Next to Nicole Downs	
Yes	Lawn	Downs	Jon & Nicole		29383 Fairview Rd	Sweet Home	OR	97355	homemade wood products, succulents	(541)401-1554	downspace@yahoo.com		No	No	8x8	No	No	next to Jamie Calderwood	
Yes	Lawn	Dunleavy	Kelli	LiLaRoe Kelli Dunleavy	512 6th Ave	Sweet Home	OR	97386	LiLaRoe brand retail clothing	(541) 401-0827	lularoekellidunleavy@gmail.com		No	No	10x12	No	No		
Yes	Lawn	Montigue	Colby	SHOCASE		Sweet Home	OR	97386	Art & Music Fundraiser	(541) 259-9608	shshocase@gmail.com		No	No	6x12	No	No		
Yes	Lawn	Terry	Kim	Dragonfly Essentials	580 Strawberry Loop	Sweet Home	OR	97386	essential oils, DIY jewelry, plants	(541) 760-1437	kimmyterry@comcast.net		No	No	12x12 & 10x10	No	No	two spaces	
Yes	Lawn	Huff-Stuttler	Cordelia	dellas delightful \$5 Bling	685 S 5th Street, Apt. K	Sweet Home	OR	97355	Paparazzi Jewelry	(541) 401-7473	cordelia_huffstuttler@yahoo.com		No	No	11x11	No	No		
Yes	Lawn	Crawford	Sharon	Treasures in Nature	44060 Wiley Creek Dr	Sweet Home	OR	97386	Photography	(503) 789-1164	sharon_m_crawford@yahoo.com		No	No	10x10	No	No		
Yes	Lawn	Durrett	Annie	Obria Medical Clinics	136 W Vine St & Mobile Unit	Lebanon	OR	97355		(541)258-3500 / (541)405	annie@obriaoregon.org		No	No	10x10 or 35'	No	No	Can bring mobile unit if room 35x10?	
Yes	Lawn	Smith	Alice-USFS	Park & Tree Committee	4431 Hwy 20	Sweet Home	OR	97386	Tree Sales	(541) 367-3545	acsmith@fs.fed.us		No	No	10x20	No	No	will share booth with P&T committee	
Yes	Lawn	Sims	Jeff	USDA Forest Service	4431 Hwy 20	Sweet Home	OR	97386	Willamette National Forest Info	(541) 367-5168	jeffrey.sims@usda.gov		No	No	10x10	No	No		
		Adams	Karneta		2230 Main St Sp 1	Sweet Home	OR	97386		(541) 367-6333									
		Allen	Andrew		708 7th Ave	Sweet Home	OR	97386	Breads of Arts	(541) 990-4453	mystreetproject@gmail.com								
		Almanza	Autumn	SHHS Art Club	1641 Long St	Sweet Home	OR	97386	Craft	(569) 906-4906									
		Anderson	Patricia		1808 Vine St	Sweet Home	OR	97386		(541) 971-1399									
		Ayers-Hazelton	Kathleen		175 Eaton St	Lebanon	OR	97355		(541) 259-4960									
		Barr	Rena							(541) 818-0450									
		Barrett	Laura		2861 Fir Ct	Sweet Home	OR	97386		(541) 367-8553									
		Barten	Joanna	Sweet Cheeks	29336 Fairview Rd	Lebanon	OR	97355	Custom Vinyl Products	(541) 405-0718	joannabarten@hotmail.com								
		Beck	Claudia	Claudia's Color Street Nails	1651 Dogwood St	Sweet Home	OR	97386	Nail Polish Strips	(206) 947-4649	csnbyclaudia@gmail.com								
		Berlault	Jean		40449 McDowell Creek Rd	Lebanon	OR	97355		(541) 258-7782									
		Bird	Stephanie		1960 Geary St SE	Albany	OR	97322		(541) 971-2221									
		Boucot	Jan & Pete		36456 Rock Hill Dr	Lebanon	OR	97355		(541) 258-3237	janbou@centurylink.net								
		Brindle	Mary		42750 Upper Calapooia Dr	Sweet Home	OR	97386		(541) 367-2845									
		Bronson	A Jay	Sweet Home Community Pool	1641 Long Street	Sweet Home	OR	97386		(541) 367-7169	ajay.bronson@sweethome.k12.or.us								
		Brooks	Susan		PO Box 244	Sweet Home	OR	97386		(541) 643-4547									
		Brown	Liz		27919 Riggs Hill Rd	Foster	OR	97345		(541) 409-8951	lizzyfrickinbrown@gmail.com								
		Bryan	Cindi		723 Westview	Brownsville	OR	97327		(541) 409-7666	fiamelessandshameless@gmail.com								
		Buffington	Deborah		98 Osage St	Sweet Home	OR	97386		(541) 570-8047	bearylthecreations@gmail.com								
		Burnett	Cristina	LiLaRoe Cristina Burnett	39077 Loma Dr	Scio	OR	97374	LiLaRoe Clothing Line	(971) 344-1687	cristinaburnettlularoe@hotmail.com								
		Cain	Bonnie	Stampin Up	5335 Main St Sp 235	Springfield	OR	97478	paper crafts	(541) 744-3853	lionbonnie@hotmail.com								
		Carey	Will		32955 Lake Creek Dr	Halsey	OR	97348		(541) 369-2936	cure@rtnet.com								
		Carlson	Chuck & Darleen		35643 Oak View Dr	Brownsville	OR	97327		(541) 466-5981	007darleen@gmail.com								
		Christenson	Amanda		2830 Hazel Dr	Lebanon	OR	97355											
		Chrones	Diane		1820 Happy Ln	Eugene	OR	97401		(541) 484-2447	diane@eugeneeyecare.com								
		Collins	Kathi	SHOCASE	PO Box 551	Sweet Home	OR	97386	Instrument Petting Zoo	(541) 231-5915	kandok@comcast.net								
		Collins	Patricia		PO Box 695	Lebanon	OR	97355		(503) 428-1891									
		Cordova	Brandi		1641 Long St	Sweet Home	OR	97386		(541) 818-0584									
		Corey	Amy		1322 Quince	Sweet Home	OR	97386		(541) 914-6949	pixieblossum@yahoo.com								
		Couch	Sarah	Art by Sarah	28330 Jones Dr	Foster	OR	97345	colored pencil drawings & cards	(541) 405-8732	sarah_couch@hotmail.com								
		Cvitanich	Kathy		2252 Main St	Sweet Home	OR	97386		(541) 401-4907									
		Darwood	Brandi		28820 Liberty Rd	Sweet Home	OR	97386											
		Dean	Judy		1145 43rd Ave	Sweet Home	OR	97386	Art Supplies, Paintings & Rocks	(541) 818-0594	judygallery@comcast.net								
		DeLong	Vicki	Fabulous & Fun Paparazzi Accessories	4676 Mahogany Ln	Sweet Home	OR	97386	\$5.00 Jewelry	(541) 401-1725									
		Durbin	Stacey		3031 Main St	Sweet Home	OR	97386		(541) 818-0374									
		Eisenman	Elizabeth		PO Box 171	Crawfordsville	OR	97336		(541) 968-1494	themudmom@msn.com								
		Eriksen	Jamie	Country Financial															
		Fireman	Sylvia		41921 Marks Ridge Dr	Sweet Home	OR	97386											



Insert Event Overview Map

HARVEST FESTIVAL



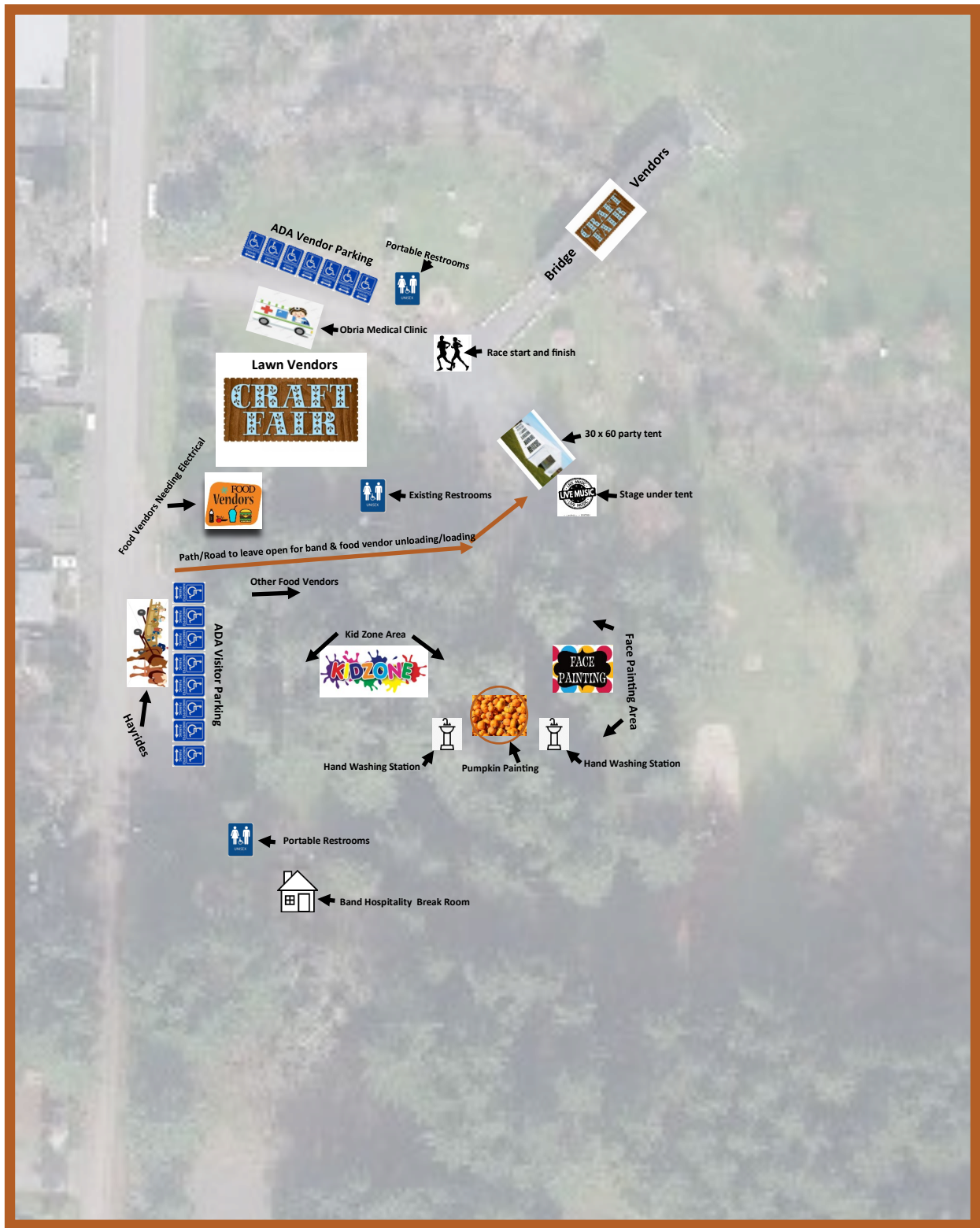
Road Closure and Parking Map

- Road Closures
- Visitor & Vendor Handicap Parking
- Overflow Parking
- Handicap Parking Route



Insert Vendor Site Map

HARVEST FESTIVAL



2019 Vendor Site Map



SPECIAL EVENT APPLICATION CHECKLIST

- Review the Instructions for completing the Special Event Permit.
- Complete the Special Event Permit Application.
- Scheduled and Attended a meeting with the Community and Economic Development Department to review the application and supporting documentation.
- Obtained and submitted a Certificate of Insurance.
- Review and signed the Hold Harmless Agreement.
- Completed the Rental Fees form.
- Completed Sankey Hut Rental form (if applicable)
- Completed the Fact Sheet
- Completed the Special Event Task List / Time Line. (if applicable)
- Completed the List of Vendors. (if applicable)
- Submitted an Event Overview Map. (if applicable)
- Submitted a Vendor Map. (if applicable)
- Turned in or mailed all the above items to the City of Sweet Home

Community and Economic Development Department
Special Event Permit
1140 12th Avenue
Sweet Home, OR 97386



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: September 10 th , 2019	TITLE: Class IV ATV Ordinance	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION
SUBMITTED BY: J. Lynn, Chief of Police	ATTACHMENTS: Proposed Class IV ATV Ordinance	<input checked="" type="checkbox"/> MOTION
REVIEWED BY: R. Towry, City Manager		<input type="checkbox"/> OTHER
RELEVANT CODE/POLICY: ORS 821.200(1)	TOWARD COUNCIL GOAL: Goal #3.2: Look for methods to improve community safety, Police, Community Design, etc. Vision Statement #1 – WE Aspire to make Sweet Home a community people find desirable to live in.	

PURPOSE OF THIS MEMO:

To present council with a proposed ordinance allowing for the operation of Class IV ATV's on City streets.

BACKGROUND/CONTEXT:

Previously, Council has requested information relating to laws and ordinances relating to the use of ATVs on roadways. A draft ordinance was presented to Council as an informational item at the August 27, 2019 Council meeting.

On June 22, 2017, the Governor signed Senate Bill 344 into law, expanding the use of ATVs on highways. The term "highways," as defined by ORS 801.305, means "every public way, road, street, thoroughfare 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." The bill became effective on January 1, 2018.

The City of Oakridge passed an ordinance on February 15, 2018, authorizing the operation of Class IV All-Terrain Vehicles on streets located within the City of Oakridge but subject to the provision of ORS 821.200(1). The attached proposed Sweet Home City Ordinance is modeled after the Oakridge ordinance.

A Class IV All-Terrain Vehicle (also known as side-by-sides) is defined as vehicles that travel on four tires with a rim diameter of 14 inches or less, that are designed for cross-country travel, have non-straddle seating, weigh less than 1,800 pounds, and are 65-inches wide or less.

A person operating a Class IV ATV must be 16 years of age or older and hold a valid driver license and a valid Class IV ATV Operator Permit. Operators and passengers must wear a safety belt or safety harness. Currently, any ATV operating on a paved road is required to have ATV safety equipment including lights after dark.

While Off-Road ATV use is, and has been, exempt from the requirement to carry liability insurance, liability insurance coverage will be required when a Class IV ATV is being operated on city streets.

The proposed ordinance will only allow for the operation of Class IV ATV's on city streets. They will not be allowed to operate on Highway 20 or Highway 228, except for crossing these Highways at an intersection.

The attached ordinance does not include the use of golf carts on city roads.

THE CHALLENGE/PROBLEM:

Should the City allow for the operation of Class IV ATV's on City owned streets?

STAKEHOLDERS:

- City of Sweet Home Residents. An Ordinance allowing for the operation of Class IV ATV's could allow for alternative transportation options to residents.
- Sweet Home Police Department. An Ordinance such as this could potentially increase the call load for the Police Department and increase traffic complaints within our community.

ISSUES & FINACIAL IMPACTS:

1. Police Department. No financial impact is expected related to the Police Department. The proposed ordinance may initially increase traffic complaints.
2. Sweet Home Municipal Court. The proposed ordinance could provide additional workload for the Sweet Home Municipal Court Judge due to increased complaints and citations.

OPTIONS:

1. Do Nothing. Take no action and the existing rules associated with ATV use on city streets will remain in effect.
2. Motion to move the proposed SHMC Class IV All-Terrain Vehicle Ordinance to first reading. This would allow for the use of Class IV ATV's on city streets.
3. Revise the proposed SHMC Class IV All-Terrain Vehicle Ordinance. Make additional changes or additions to the proposed ordinance.

RECOMMENDATION:

I recommend option #2, Motion to move the proposed SHMC Class IV All-Terrain Vehicle Ordinance to first reading. This would allow for the use of Class IV ATV's on city streets. The proposed SHMC Class IV All-Terrain Vehicle Ordinance has been before Council for consideration. The intent of the proposed ordinance is to set a standard for the authorized and responsible operation of Class IV All-Terrain Vehicles on city streets.

ORDINANCE BILL NO. FOR 2019

ORDINANCE NO.

SWEET HOME ORDINANCE PERTAINING TO AUTHORIZING THE OPERATION OF CLASS IV ALL-TERRAIN VEHICLES ON STREETS LOCATED WITHIN THE CITY OF SWEET HOME, OREGON, BUT SUBJECT TO THE PROVISION OF [ORS 821.200\(1\)](#), AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the Sweet Home City Council desires to adopt an ordinance authorizing the operation of all-terrain vehicles on City streets as located within the city limits of the City of Sweet Home; and

WHEREAS, the Sweet Home City Council has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets for the purpose of protecting the interest and safety of the general public;

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. – Purpose:

The purpose of this Ordinance is to authorize the operation of All-terrain vehicles on City streets within the City of Sweet Home subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

Section 2. – Definitions:

For the purpose of this Ordinance, the following definitions are hereby established:

- (a) All-Terrain Vehicle(s) (ATV(s)), means Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, Class III All-Terrain Vehicles, and/or Class IV All -Terrain Vehicles
- (b) ATV Operator Permit, means the ATV Safety Education Card issued upon completion of an Oregon Parks and Recreation Departments approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by the Oregon Parks and Recreation Department as set forth in [OAR 736-004-0015\(10\)](#).
- (c) Class I All-Terrain Vehicles, as defined by [ORS 801.190](#). is a motorized, off-highway recreational vehicle that (a) is 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less, (c) travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (d) uses handlebars for steering, (e) has a seat designed to be straddled for the operator, and (f) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other

natural terrain. Class I All-Terrain Vehicles may also be known as quads, three-wheelers, or four wheelers.

- (d) Class II All-Terrain Vehicles, as defined by [ORS 801.193](#) is any motor vehicle that (a) weighs more than or is wider than a Class I All-Terrain Vehicle, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, (c) is not a Class IV All-Terrain Vehicle, and (d) is street-legal, is registered under [ORS 803.420](#), and has a roof or roll bar. Class II All – Terrain Vehicles may also be known as four-by-fours, pickups, jeeps, sand rails, dune buggies, and SUV’s.
- (e) Class III All-Terrain Vehicle and Class IV All-Terrain Vehicle(s), as defined by [ORS 801.194](#). Class III All-Terrain Vehicle means a motorcycle that travels on two tires and that is actually being operated off highway.
- (f) Class IV is any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (b) is designed for or capable of cross-country travel on or immediately over, land, water, snow, ice, marsh, swampland or other natural terrain, (c) Has nonstraddle seating (d) Has a steering wheel for steering control, (e) Has a dry weight of 1,800 pounds or less; and (f) Is 65 inches wide or less at its widest point, or current manufacturing standards of width and weight from the factory. Class IV All-Terrain Vehicles may also be known as side-by-sides.
- (g) Driver License, has the meaning given that term under [ORS 801.245](#).
- (h) Motorcycle Helmet, has the meaning given that term under [ORS 801.366](#). [ORS 801.366](#) defines a Motorcycle Helmet as a protective covering for the head consisting of a hard, outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.
- (i) Traffic Law(s), means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code ([ORS Chapters 801 to 826](#)) and any regulations or administrative rules promulgated thereunder.
- (j) Street(s) means all roads, streets, and alleys, other than Highway 20 and Highway 228 as located within the boundaries of the City of Sweet Home that are open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.
- (k) Hours of Operations, “daylight hours” means one hour before sunrise to one hour after sunset.

Section 3. – Operation of All-Terrain Vehicles on Streets Authorized.

Subject to the provisions of this Ordinance, Class IV ATV’s may be operated on Streets subject to the conditions and restriction set forth under [ORS 821.200](#). All-Terrain Vehicles are prohibited from operating under this Ordinance on Highway 20 and

Highway 228 as located within the City, except that a person may, while operating a Class IV ATV, cross the above highways to the extent permitted under applicable Oregon law, including, without limitation, [ORS 821.200\(1\)](#).

Section 4. Regulations for Operation of All-Terrain Vehicles.

All-Terrain Vehicles operating under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements (including, without limitation, [ORS 811.255](#)) and all posted speed limits.

Section 5. Licensed Driver 16 Years or Older Required.

A person operating a Class IV ATV under this Ordinance must be 16 years of age or older and hold a valid Driver License.

Section 6. – All Terrain Vehicle Operator Permit Required.

A person operating a Class IV All-Terrain Vehicle under this Ordinance must hold a valid Class IV ATV Operator Permit issued under [ORS 390.577](#).

Section 7. – Safety Equipment Requirements.

All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, [ORS 821.030](#), [ORS 821.040](#), [ORS 821.220](#), [ORS 821.230](#), and [OAR 735-116-000](#).

Section 8. – Helmet Requirements.

A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.

Section 9. – Safety Belt Requirements.

A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV as required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured, or safety belts or safety harness have been installed on the ATV.

Section 10. – Speed Limits.

All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated (a) at a rate of speed greater than reasonable and proper under the existing conditions, or (b) in a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

Section 11. – Prohibition on Operating All-Terrain While Driving Privileges Suspended.

A person may not operate an ATV under this Ordinance while the person’s driving privileges (i.e., Driver License) are suspended or revoked.

Section 12. – Financial Requirements.

All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806. For purposes of this Section 12, “financial responsibility requirements” means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under [ORS 806](#). The exemption in [806.020](#) does not apply to this ordinance.

Section 13. –Hours of Operation Rules.

All-Terrain Vehicles may be operated during daylight hours with headlights and taillights. All-Terrain Vehicles may be operated during hours of darkness and when limited visibility conditions exist if it is equipped with lighting equipment required for a motor vehicle under [ORS 816.320](#) (For example; high and low beam headlights, taillights, turn signals, and brake lights).

Section 14. – Posting.

The City of Sweet Home will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City of Sweet Home will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City of Sweet Home in its sole discretion.

Section 15. – Liability.

The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City of Sweet Home, by passing this Ordinance, assumes no responsibility of the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within the City limits, including, without limitation, Streets.

Section 16. – Penalties.

Any violation of this Ordinance that constitutes a violation of a Traffic Law, the penalty shall be the same as provided for by Oregon statute. Any other violation of this ordinance shall be commenced by the issuance of a citation and shall be prosecuted in

the Sweet Home Municipal Court as a City Violation as no in effect or as may be amended from time to time.

Section 17. – Reference Statutes and Rules.

All reference to particular laws, statutes, or rules include that law, statute, or rule as now in effect or as may be amended from time to time.

Section 18. – Invalidity.

If any section, subsection or part of this Ordinance is for any reason held invalid, unenforceable or unconstitutional, such holding will not affect the validity, enforceability or constitutionality of the remaining portions of this Ordinance.

Section 19. – Snowmobiles.

Nothing contained in this Ordinance applies to the operation of snowmobiles as that term is defined by [ORS 801.490](#).

Section 20. – Modifications.

The Chief of Police of the City of Sweet Home has the authority to modify the provisions of this Ordinance as a result of the occurrence of special events. Such modifications shall be temporary in nature and shall not violate Traffic Laws.

PASSED BY THE COUNCIL of the City of Sweet Home this ____ day of _____, 2019.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: September 10 th , 2019	TITLE: Unlawful Transfer on Vehicular Portion of Right-Of-Way	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: J. Lynn, Chief of Police	ATTACHMENTS: Proposed Unlawful Transfer on Vehicular Portion of Right-Of-Way Ordinance	
REVIEWED BY: R. Towry, City Manager		
RELEVANT CODE/POLICY: SHMC 9.24.040	TOWARD COUNCIL GOAL: Goal #3.2: Look for methods to improve community safety, Police, Community Design, etc. Vision Statement #1 – WE Aspire to make Sweet Home a community people find desirable to live in.	

PURPOSE OF THIS MEMO:

To present council with a proposed ordinance relating to the Unlawful Transfer on Vehicular Portion of Right-Of-Way.

BACKGROUND/CONTEXT:

On August 27, 2019 Council was presented information associated with a proposed City ordinance that would make it unlawful to transfer an item from a vehicle to a person while the vehicle is in the road right-of way.

The proposed ordinance is intended as a safety issue and to ensure that people are kept safe in the roadways and in the medians. It is designed to help with public safety and traffic flow should the need arise.

The ordinance wouldn't prohibit motorists from giving items to individuals, if their car is legally parked. But drivers or passengers could not give money or any other items to an individual while their car is stopped at a red-light, stop sign, or is in a public right of way.

The concern revolving around this issue is that motor vehicle drivers who are focused on non-traffic distractions are not attentive to other drivers, pedestrians, changing traffic, signage and lights. Drivers who are looking for property inside their vehicle and are handing items to pedestrians are not attentive to traffic. Offering items from a vehicle to a pedestrian also encourages the pedestrian to enter the roadway outside of a crosswalk or sidewalk putting the pedestrian at unreasonable risk. Inattentive drivers cause can traffic obstructions and traffic delays.

THE CHALLENGE/PROBLEM:

Should the City restrict the ability of motorists to transfer, hand or give items from the vehicles while the vehicle in the road right-of-way?

STAKEHOLDERS:

- City of Sweet Home Residents. An Ordinance associated with the Unlawful Transfer on Vehicular Portion of Right-of-Way could promote traffic and pedestrian safety.
- Sweet Home Police Department. An Ordinance such as this could potential be utilized as a tool to promote the safe operation of a motor vehicle while maintaining the flow of traffic.

ISSUES & FINACIAL IMPACTS:

1. Police Department. No financial impact is expected related to the Police Department.
2. City of Sweet Home. The proposed ordinance could be seen as a means to prevent panhandling in Sweet Home. It should be noted that this ordinance would not prevent the transfer of items if the vehicle is legally parked or not on a roadway.

OPTIONS:

1. Do Nothing. Take no action.
2. Motion to move the proposed Unlawful Transfer on Vehicular Portion of Right-Of-Way Ordinance to first reading. This would make the act of transferring an item a City Code Violation.
3. Revise the proposed Unlawful Transfer on Vehicular Portion of Right-Of-Way. Make additional changes or additions to the proposed ordinance.

RECOMMENDATION:

Staff recommends option #2, **make a motion to move the proposed SHMC Unlawful Transfer on Vehicular Portion of Right-Of-Way Ordinance to First Reading**. The proposed ordinance can be a tool to promote the safe operation of motor vehicles while also keeping pedestrians safe.

ORDINANCE BILL NO. _____ FOR 2019
ORDINANCE NO. _____

AN ORDINANCE RELATING TO UNLAWFUL TRANSFER ON VEHICULAR PORTION OF THE RIGHT-OF-WAY

WHEREAS, this ordinance is established by the City of Sweet Home to promote the safe operation of vehicles upon roadways within the City and provide for the safety of the pedestrian public on and near its roadways;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC 9.24.040 titled UNLAWFUL TRANSFER ON VEHICULAR PORTION OF THE RIGHT-OF-WAY is created to read as follows:

A. A person commits the violation of unlawful transfer on a vehicular portion of the right-of-way if the person, while a driver or passenger in a vehicle on a public highway, street or road within the boundaries of the City of Sweet Home, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian

B. This section does not apply if the vehicle is legally parked.

Section 2. Violation of this section constitutes a violation and may be prosecuted under the provisions of SHMC Chapter 9.36 as now enacted or hereafter amended.

PASSED by the Council and approved by the Mayor this _____ day of _____ 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

MEMORANDUM



TO: Ray Towry, City Manager
FROM: Rose Peda, Library Services Director
DATE: September 4, 2019
SUBJECT: Sweet Home Library Activities Report / September 2019

Statistics

Patrons checked out 3703 items.
Patrons placed 299 items on hold.
Staff issued 26 new library cards to patrons and 3 nonresident cards.
546 individuals signed on to use the computers in the library and printed 839 pages.
Resource sharing savings was \$2,357.97 for the month of May.

Events

Children and teens signed up for Summer Reading as follows:
92 Ages 0-5 / 163 Ages 6-11 / 47 Ages 12-18 – Total 302

Summer Reading Program Recap –

➤ Completed reading logs

Toddlers and preschoolers read 5 hours to complete a reading log.
Toddlers and preschoolers turned in 131 sheets and read 655 hours over the summer.

Elementary and Teens read 10 hours to complete a reading log.
Elementary turned in 218 sheets and read 2,180 hours over the summer.
Teens turned in 113 sheets and read 1,130 hours over the summer.

A total combined 3,965 hours of reading!

➤ Program attendance

Baby and Toddler programs 54 children attended 7 programs
Preschool programs 136 children attended 7 programs
Elementary programs 634 children attended 8 programs
Teen programs 95 teens attended 7 programs

A total combined attendance of 919 children at 29 programs!

The 2020 Ready to Read grant was submitted to the Oregon State Library.

The consultant team of FFA Architecture and Interiors held three additional community forums to gather input for the Library Needs Assessment.

This you won't want to miss—

Sarah McQuaid, Singer, Songwriter and Guitarist performing in Sweet Home on Saturday September 21 at 7pm.

**QUARTERLY CIRCULATION STATISTICS
BY ITEM TYPE**

2019	June	July	August
Auto Manuals	0	0	0
Books on CD	148	116	120
Children's Board Books	72	73	94
Children's Easy Readers	238	246	193
Children's Fiction	408	352	351
Children's Graphic Novels	142	172	164
Children's NonFiction	252	218	195
Children's Picture Books	396	519	523
Children's Ready to Read	107	115	88
Children's 100 Books	106	94	44
Children's VOX Books	133	148	140
DVDs	659	644	710
Fiction	340	456	364
Magazines	43	77	47
Music CD	58	27	32
Mystery	214	247	290
New Fiction	234	207	211
New NonFiction	63	75	84
New Mystery	139	109	124
New Science Fiction	9	13	11
NonFiction	203	229	186
Northwest	9	21	25
Paperback General	25	21	30
Paperback Mystery	18	29	50
Paperback Romance	26	53	36
Paperback Westerns	1	4	3
Paperback Science Fiction	26	10	10
Science Fiction / Fantasy	28	45	24
Teen Fiction	122	126	144
Teen Graphic Novel	34	48	35
Teen NonFiction	3	2	5
Westerns	22	21	40
Ukuleles	5	6	2
TOTALS	4283	4523	4375

Statistics for June		Statistics for July		Statistics for August	
PATRON ACTIVITY		PATRON ACTIVITY		PATRON ACTIVITY	
OPAC Logins	248	OPAC Logins	275	OPAC Logins	256
SIP2 Logins	441	SIP2 Logins	429	SIP2 Logins	458
CIRCULATION AND RENEWALS		CIRCULATION AND RENEWALS		CIRCULATION AND RENEWALS	
Checkouts	3645	Checkouts	3823	Checkouts	3703
Renewals by Staff	463	Renewals by Staff	501	Renewals by Staff	430
Renewals by OPAC	166	Renewals by OPAC	199	Renewals by OPAC	242
HOLDS REQUESTED		HOLDS REQUESTED		HOLDS REQUESTED	
Holds by Staff	103	Holds by Staff	121	Holds by Staff	170
Holds by OPAC	98	Holds by OPAC	157	Holds by OPAC	129
ACTIVE PATRONS	2383	ACTIVE PATRONS	2425	ACTIVE PATRONS	2367
NEW PATRONS		NEW PATRONS		NEW PATRONS	
Resident	83	Resident	54	Resident	26
NonResident	7	NonResident	4	NonResident	3
ITEM COUNTS	35947	ITEM COUNTS	36047	ITEM COUNTS	36096
PUBLIC ACCESS COMPUTERS		PUBLIC ACCESS COMPUTERS		PUBLIC ACCESS COMPUTERS	
Logins this month	425	Logins this month	475	Logins this month	546
Pages printed	618	Pages printed	785	Pages printed	839

Resource Sharing Savings \$2,161.64

Resource Sharing Savings \$2,633.03

Resource Sharing Savings \$2,357.97

MEMORANDUM



TO: City Council
Ray Towry, City Manager
Interested Parties

FROM: Blair Larsen, Community and Economic Dev. Director

DATE: September 10, 2019

SUBJECT: Community and Economic Development Department Report for August, 2019

The Community and Economic Development Department (CEDD) consists of the City's Building, Planning, Engineering, Economic Development, Code Enforcement, and Parks and Recreation programs. The following is a summary of activities and notes on current projects from August 1st, to August 31st, 2019.

1. BUILDING

- Summary of Building Program Permits Issued.

Construction Category	Number of Permits
Residential 1 and 2 Family Dwellings	10
Residential Manufactured Dwellings	0
Residential Structural	2
Residential Mechanical Permits	6
Residential Plumbing	9
Residential Demolition	0
Commercial Mechanical	2
Commercial Structural	5
Commercial Plumbing	1
Commercial Demolition	0
Commercial Site Development	0
Total Permits	35
Value Estimate of All Permits	\$2,409,203.14
Fees Collected	\$36,839.04

2. PLANNING

- Summary of Planning Division Applications Approved.

Application Type	Number of Permits
Conditional Use	0
Variance	0
Partition	0
Property Line Adjustments	0

- Movies in the Park are done for the season—we averaged approximately 100 people in attendance at each movie.
- The Department is currently working on updates to the Sweet Home Municipal Code (SHMC), Planning Commission procedures, and updating and improving Land Use Applications with OCWCOG staff (Dana Nichols). A comprehensive code update is being

readied for staff and peer review, and will be presented to the Planning Commission and public review process.

- A short-term group of amendments to the development code was just voted on by the Planning Commission, and will come before you at the September 24th meeting.
- The Department is also working on future Requests for Council Action on a property line adjustment for Sankey Park.
- There are 3 applications in the queue for August.

3. ECONOMIC DEVELOPMENT

- Work on a property partition and right-of-way width change for 24th Ave is progressing. This is part of a comprehensive 24th Avenue Corridor Improvement Project. Partition of the Maintenance Yard property has passed Administrative Planning Review. We've experienced some delays due to requests from the neighboring property owners.
- An application for a new rail crossing at 24th Avenue is being prepared to submit to ODOT Rail, but Staff has learned that due to state-wide policy, it will be denied. We are gathering all the information and stakeholders that we will need to appeal that rejection. We are also exploring ways to bypass ODOT Rail and achieve our goal politically.
- Preliminary work on the 18th Ave & Willow St Neighborhood Water LID (Proposed) is making progress with property and deed listings, cost estimates, and ownership. The next step is to finalize the boundary and property list, and bring the map, cost estimate, and assessment methodology to the Council for consideration of the LID, as well as a discussion on City participation.
- As expected, the old Weyerhaeuser mill site failed to sell at auction. We will now work with the County to establish a master plan for the site, which will show the location of the rights of way, public utilities, land uses, and general parcel sizes.
- Progress is being made toward attracting an urgent care facility to Sweet Home. We can't share any details at this time, but hope to be able to make a public announcement with more information in the next couple of months.

4. CODE ENFORCEMENT

- Summary of Actions.

CE currently has 40 open cases. Activity was a little down this month due to vacations, holidays, and a seasonal drop in grass and weed violations. Violations resolved in August: 6. Cases In Progress (Investigating): 18. Notices issued: 0. Complaints with no violation noted: 1.

Enforcement Type	Number of Cases
Animal	3
Illegal Dumping	3
Living in an RV	8
Open Storage	2
Other (setback and trash bins)	2
Public Nuisance	2
Tall Grass & Weeds	5

The City's Code Enforcement Officer responds to complaints submitted through the City's website, and actively patrols the City and works to resolve identified code violations.

5. PARKS

- We have learned that our Sankey Park grant application is ranked #2 in the state by the Oregon Parks and Recreation Department. This makes it extremely likely that the grant will be awarded. Our community and staff did a phenomenal job on this project. We will get the official word on our Grant Application to the Oregon Parks and Recreation Department after the OPRD Commission meets on September 18th. However, for now, we are planning on holding a groundbreaking ceremony in conjunction with the Harvest Festival.
- Harvest Festival planning is in full swing. Please mark your calendars for October 5th, in Sankey Park.

6. OTHER PROJECTS

- Consultation with ODOT improvements at 22nd Ave & Main St. is ongoing, multiple options are on the table, including lighting, location, median refuge, RRFB pedestrian lights, etc. Staff is working on an informational RCA on the issue.
- The property line adjustment for the east property line at the NCH is still pending. The adjacent owners are in favor of it, and a map has been created. Now that we have completed the move into the new City Hall, we will run it through Planning administratively, then come to the Council for final approval.
- An Art in the Right-of-Way ODOT permit will be required for the recent sculpture placed near the East Linn Museum property. This will require an application to ODOT, and an acceptance by the City. An RCA will come before the Council on the issue soon now that staff is settled into the new City Hall.
- The ODOT Foster Lake Sidewalk Project has begun the state internal process for design and construction, estimated to start work next year.

MEMORANDUM



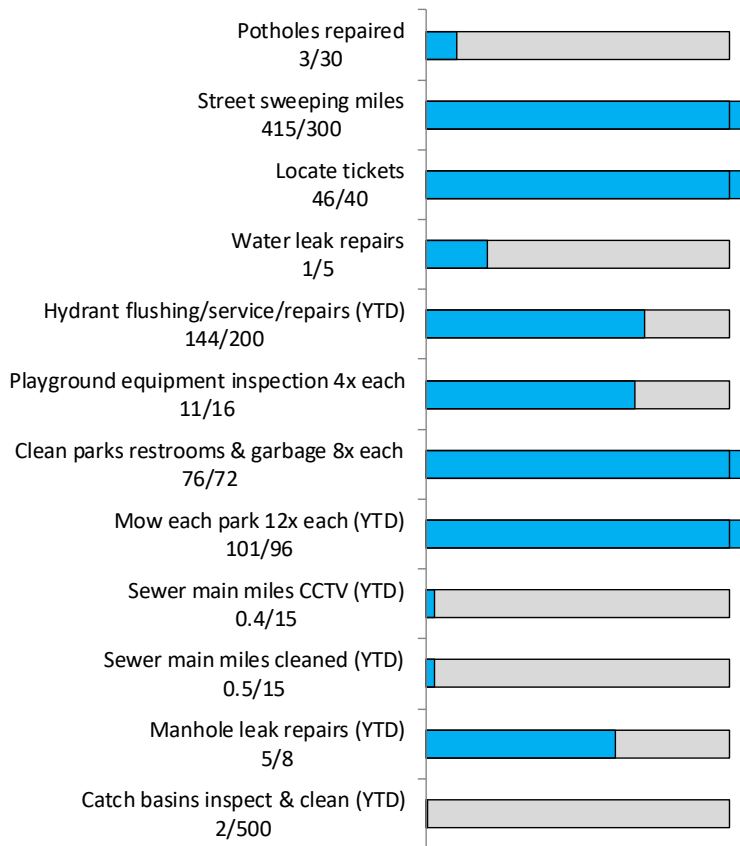
TO: Ray Towry, City Manager
 FROM: Greg Springman, Public Works Director
 DATE: September 5, 2019
 SUBJECT: Public Works Monthly Report of Activities/KPIs

This memorandum provides a brief periodic update of specific projects and activities performed by Public Works.

Key Performance Indicators (KPI's) Dashboard

This dashboard section summarizes work done on key maintenance activities. Goals will be adjusted over time as workloads shift to keep up with current requirements. Routine activities are tracked monthly. Seasonal activities are tracked on a year-to-date basis.

August 2019



<u>Work Orders</u>	
Posted:	586
Completed:	634
<u>Top 10 Categories</u>	
Water Turn Ons/Offs	89
Bathrooms/Garbage	76
Locates	50
New City Hall	49
Meter Re-Read	34
Hydrant Flushing	25
Tree/Brush Trimming - Streets	22
Other - Streets	20
Cl2 Residual	19
Park Maintenance	17

Current & Upcoming Projects

Wastewater Treatment Plant Improvement Project

Scope: Upgrades to equipment & processes for DEQ Compliance.

Status: Project on schedule. Council approved Murraysmith for final design in June, 2019. Staff toured Newberg, OR Composting Facility September 5, 2019.

City Curb Painting

Scope: Improve curb visibility, identifying restricted parking areas.

Status: Staff pressure cleaned all curbs in May, 2019. Annual curb painting to begin June, 2019. Project completed.

Water Leak Detection Project

Scope: Contract services to identify water leaks throughout the 54 miles of water distribution system.

Status: PW staff has completed all repairs on the identified water leaks. Approximately 78 repairs have been completed by PW staff to date. Staff will calculate water loss quarterly. Staff purchased new leak detection equipment to begin program in-house.

Timber Consultant Selection

Scope: Ability to manage City-owned timber resources in a proactive manner to maximize public safety and efficiently recover the value of removed timber.

Status: Staff developed RFP to select consultant. Staff selected Cascade Timber Consultants as the City's timber consultant. Timber removed from South Hills Trail. Clean up completed by PW staff.

City Engineer of Record Selection

Scope: Contract Engineering Services to assist with City projects and development/planning support.

Status: Staff developed RFP to select consultant. The selection process is closed, and staff selected Murraysmith as the Engineer of Record.

Sankey Park Restroom Installation

Scope: Install new restroom facility in Sankey Park.

Status: Restroom has selected and ordered. Staff selected CXT as the manufacturer, delivery tentative scheduled for January, 2019. PW staff completed rough grading for restroom, offsite utilizes in pad, and completed parking lot improvements. Staff award Oregon Parks and Rec Grant for Sankey Park Improvement Project.

Parks Irrigation System Improvements

Scope: Inspect and repair existing irrigation systems in Sankey Park, Northside Park, and Ashbrook Park.

Status: Staff completed installation of new irrigation system at Ashbrook Park. Staff has ordered materials to install new irrigation system at Northside Park, east side of Clover Park, and remainder of lower Sankey Park. Staff has discovered an irrigation system installed in Strawberry Park. Staff to investigate costs for repair. Project will resume in Summer 2019.

2019 Overlay Project

Scope: 2" pavement overlay on roads throughout the Community.

Status: Project in design.

Public Works Facility Security Upgrades

Scope: Install security system at Public Works Facility

Status: Staff installed new security system at Public Works Facility. Staff is making camera adjustments as needed to ensure proper camera coverage of Public Works grounds. Staff is in discussion with an alarm system vendor for the equipment yard.

DEQ - 18th Ave Groundwater Contamination Resolution

Scope: Support DEQ project to resolve neighborhood issue of contaminated groundwater east of 18th Ave and north of Tamarack St.

Status: Staff will proceed with LID for secure funding.

Air/Vacuum Valve Program

Scope: Locate air/vacuum relief valves on city water system and prioritize recommended maintenance, to resolve distribution issues caused by air pockets.

Status: New valve installed at Lake Pointe Pump Station. New valve installed at highway by Murphy Mill. Replaced existing dysfunctional valve at 44th Ave. Murraysmith to evaluate this FY 19/20.

Water Service Reconnection Program

Scope: On streets with redundant water mains, reconnect water services from old 2" mains to existing new larger mains and abandon redundant 2" mains.

Status: Staff to evaluate in-house installation as an on-going service main replacement project.

Linn Shuttle Bus Shelters

Scope: Support Linn Shuttle grant project to install bus shelters at highway locations.

Status: Linn Shuttle has retained a contractor for installation and has ordered the shelters. Concrete foundations completed. Staff assisted Linn Shuttle with the ODOT application.