

ORDINANCE BILL NO. 12 FOR 1991

ORDINANCE NO. 1036

AN ORDINANCE AMENDING CERTAIN ORDINANCES AND REPEALING OBSOLETE AND SUPERSEDED ORDINANCES AND PORTIONS THEREOF FOR THE CITY OF SWEET HOME AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. The following ordinances are hereby repealed Ordinances No. 270, 285, 343, 365, 374, 379, 405, 529, 566, 638, 647, 690, 739, 742, 763, 782, 862, 875, 900, 957 and 1006.

Section 2. The following sections or parts of ordinances are hereby repealed, amended, or changed as follows:

A. Section 5 of Ordinance 190 is amended by deleting the last sentence thereof.

A1. Section 12 of Ordinance 368 (as amended by Ordinance 804) is amended to read as follows:

Section 12. Carnivals, circuses, and similar entertainment may be granted a blanket license for \$50.00 per day for each day or fraction thereof, during which it shall operate. Shows, exhibitions, lectures, concerts, and similar public entertainments shall be subject to the same license requirement. Nothing in this Ordinance shall apply to entertainments sponsored by educational institutions.

A2. In the title and all sections of Ordinance 375 where the words "Fireman" or "Firemen" appear said word shall be changed to "Firefighter" or "Firefighters" as the context so requires.

A3. Section 4 of Ordinance of 375 is amended to read as follows:

Section 4. Any volunteer firefighter who becomes physically unable to perform the duties of firefighting shall be retired at the discretion of the Fire Chief.

A4. Section 8(a) of Ordinance 375 is amended to read as follows:

Section 8(a). He shall have passed his 18th birthday.

A5. Section 9 of Ordinance 375 is amended to read as follows:

Section 9. Any person desiring to become a volunteer firefighter for the City of Sweet Home, and who shall have successfully completed the requirements in the preceding paragraphs shall become a volunteer firefighter on a probationary basis for a period of three months. At the end of the three month probationary period, the fire chief shall submit a report to a board of officers selected from the volunteer firefighter association. If any such person shall not be confirmed by three-fourths of the officer board, then that person shall be rejected and he shall no longer be a volunteer firefighter of the City of Sweet Home.

B. Section 2 of Ordinance 380 is amended by deleting the definitions of bicycle, park or parking, pedestrian and stop since they are defined in the ORS and reserving the letters (b), (g), (j) and (L) for expansion.

C. Section 5 of Ordinance 380 is amended by deleting Section (b) thereof and removing the subsection (a) designation.

D. Section 6, 7, 18, 22, 23, 24, 25, 26, 28, 29, 30 31, 34 and 36 of Ordinance 380 are repealed and the section numbers left for expansion.

E. Section 8 of Ordinance 380 is amended by adding to the end of the Section the words "or as authorized by City Council".

F. Section 10 (c)(4) of Ordinance 380 is amended by changing the words 15 hours to 24 hours therein.

G. Section 10 (4) (e) of Ordinance 380 is amended by deleting the words "or alley" and inserting therein "except an alley".

H. Section 10 of Ordinance 380 is amended by adding to it subsection (f) to read as follows:

(f) A vehicle in violation of authorized signage or barrier.

I. The last sentence of Section 10 of Ordinance 380 (as amended by Ordinance 986) is amended to read as follows:

Vehicles that are parked in violation of subsection c(4) and (e) may be towed and disposed of as if the vehicle were an "abandoned vehicle" under ORS 819.120 to ORS 819.260 inclusive. Vehicles that are parked in violation of subsection (f) may be towed and disposed of as if the vehicle were a "traffic hazard" under ORS 819.120 to ORS

819.260 inclusive but with notice being given within 24 hours. The persons involved shall have all the rights and duties created thereby. This authority to tow and dispose of the vehicle is in addition to any other authority to tow or dispose of vehicles.

J. Section 18 of Ordinance 380 is adopted to read as follows:

Bicycle Registration.

a) It shall be unlawful for any person to operate or use a bicycle upon any of the streets, sidewalks, alleys or public highway of the City of Sweet Home without first obtaining from the Police Department a license therefor.

b) The Police Department is hereby authorized and directed to issue upon written application bicycle licenses which each shall be valid for the life of the bicycle. Said licenses, when issued, shall entitle the licensee to operate such bicycle for which said license has been issued upon the streets, sidewalks, alleys and public highways in the City of Sweet Home.

c) The City of Sweet Home shall provide license stickers, together with registration cards, said registration cards to be issued by the Chief of Police or assistants designated by him. The license stickers and registration cards are to have numbers stamped thereon in numerical order, beginning with number one, and the letters "Sweet Home, OR" stamped thereon; such license stickers shall be suitable for attachment upon the frames of bicycles, at a place designated by the police department, and it shall be the duty of the bicycle owner to attach one such license sticker to the frame of each bicycle. The police department shall issue a corresponding registration card to the licensee upon the payment of the license fee of \$2.00. Such license stickers shall remain attached during the existence of such license. The police department shall also keep a record of the date of issue and number of such license and to whom issued. If ownership of the bicycle changes, or the owner changes address, it shall be the responsibility of the new owner to notify the police department of such changes.

d) No person shall ride or operate any bicycle on any sidewalk on Main Street between 9th Avenue and 18th Avenue; on Long Street between 10th Avenue and 15th Avenue; on 10th Avenue, 12th Avenue, 13th Avenue and 15th Avenue between Long Street and Main Street of the City of Sweet Home, except bicycles used for delivery of papers,

merchandise or mail, and except such vehicles with more than two wheels used by disabled persons. Pedestrians shall have the right-of-way over bicycles on all sidewalks. No person shall ride or operate any bicycle on any sidewalk in a careless manner, or in any manner that endangers the safety of the pedestrian or places a pedestrian in fear of his safety.

K. Section 19 of Ordinance 380 is adopted to read as follows:

(a) The City Manager is hereby authorized to establish and maintain zones to be known as parking zones in the following streets:

Main Street from Highway 228 East of 18th Avenue.  
Long Street from the Ames Creek Bridge East of 18th Ave  
9th Avenue from Main Street to Nandina Street.  
10th Avenue from Long Street to Main Street.  
12th Avenue from Kalmia Street to Nandina Street.  
13th Avenue from Kalmia Street to Nandina Street.  
15th Avenue from Main Street to Nandina Street.

And from time to time hereafter as traffic conditions required, in such other streets as are selected by resolution of the City of Sweet Home for the location of such zones. And in said parking zones, the City Manager shall cause parking spaces to be designated, and shall fix the time limitations for legal parking in such zones, and the hours during the day and night when time limitations shall be effective, in compliance with the provisions of this ordinance and shall indicate the time limitations by designating the same by appropriate signs posted in proximity to said zones.

(b) Any actions taken by the City Manager or Council in accordance with former Ordinance 638 are hereby affirmed and shall be given full force and effect.

L. Section 25 of Ordinance 380 is adopted to read as follows:

It shall be unlawful for any person to play games in or make use of any portion of the street reserved for vehicle traffic in the City of Sweet Home for any other purpose than for vehicles or to allow his or her child(ren) or any other child(ren) in his or her care or charge to make such prohibited use of the street except that the pedestrian may cross said street at the places designated in this ordinance.

M. Section 35 of Ordinance 380 is amended by adding

to the end of the sentence the words "as allowed by law."

N. Section 37 of Ordinance 380 is amended to read as follows:

Section 37. The Use of Roller Skates and Skate Boards Restricted. No person upon roller skates, skate boards or riding in or by means of any coaster, toy vehicle or similar device shall go upon any street except while crossing in a legal manner or upon a play street.

O. Section 39 (a) of Ordinance 380 is amended by adding the words "an authorized" before the word "permanent" and deleting the "a" preceding it.

P. Section 48 of Ordinance 380 is amended to read:

Section 48. Citation.

a) A police officer is authorized to use a Uniform Traffic Citation for violations of Sweet Home traffic and parking laws as allowed by ORS 153.130. The use of the UTC does hereby satisfy the requirement set forth in Ordinance No. 876 pertaining to citation, summons and complaint. (Consult Ordinance No. 876 for other appropriate forms to use for violation of the traffic and parking laws.)

Q. Section 49 of Ordinance 380 is amended by adding after the end of the sentence the following:

If there are any conflicts in or duplication of Laws in this Ordinance with the Oregon Vehicle Code then the Code shall have precedence.

R. Section 1 of Ordinance 505 is amended by deleting the words "by resolution" that are between the words "it shall" and "direct the City Manager".

S. Section 3 of Ordinance 505 is amended by deleting at the end of the first sentence of Section 3 the words "in the manner provided by Section 6 hereof".

T. Section 13 of Ordinance 505 is amended to read as follows:

Section 13. Bonding Improvements. The provisions of ORS 223.205 to 223.295 (which is known as the Bancroft Bonding Act) are hereby adopted and made a part hereof by reference except that the unpaid assessments shall bear interest at a rate to be determined by the City Council in its assessment ordinances.

U. Section 3 of Ordinance No. 745 is amended by replacing the figures \$3,600.00 and \$4,100.00 with the figures \$6,620.00 and \$8,800.00 respectively.

V. The second sentence of Section 4 of Ordinance 745 is amended to read as follows:

Such assessments and charges shall bear interest at the rate as set forth in the contract with the City from the date the assessment is levied against the residence or the charges are imposed and until paid and shall become due when the property ceases to be the residence of the senior citizen or his spouse.

W. Section 16 of Ordinance 876 is amended by deleting the reference, section and wording to Ordinances No. 40, 117, 252, 285, 370, 379, 425, 529, 638, 645, 763, 764, 765, 785, 856 and 861.

X. Section 3 of Ordinance 886 is amended to read as follows:

Section 3. Curfew Hours For Minors. ORS 419.710 and 419.720 are incorporated by reference into this ordinance and a violation or failure to comply with the provisions of these statutes is an offense against the City and shall be punished as provided in ORS 419.990(1).

X1. Section 4 of Ordinance 886 is amended to read as follows:

Section 4. Alcoholic Liquors and Minors. ORS 471.410 and 471.430 are incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of these statute is an offense against the City.

X2. Section 18 of Ordinance 886 is amended to read as follows:

Section 18. False Information to Police Officers. ORS 162.385 is incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of this statute is an offense against the City.

X3. Section 24 of Ordinance 886 is amended to read as follows:

Section 24. Intimidation. ORS 166.155 is incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of this statute is an offense against the City.

X4. Section 28 of Ordinance 886 is amended to read as follows:

Section 28. Involvement in Animal Fighting. ORS 167.355 is incorporated by reference into this Ordinance and violation or failure to comply with the provisions of this statute is an offense against the City.

X5. Section 35 of Ordinance 886 is amended to read as follows:

Section 34. Unlawful Transport. ORS 164.813, 164.815, 164.825, 164.828, 164.835, 164.845, 164.855 and 164.863 are incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of these statutes is an offense against the City. Where a statute refers to Court it shall include Municipal Court and where a reference is made to County said term shall be changed to City.

X6. Section 36 of Ordinance 886 is amended to read as follows:

Section 36. Sound and Video Tape Recording. ORS 164.865 and 164.875 are incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of these statutes is an offense against the City.

X7. Section 38 of Ordinance 886 is amended to read as follows:

Section 38. Sale or Gift of Explosives to Children. ORS 166.480 is incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of this statute is an offense against the City.

X8. Section 42 of Ordinance 886 is amended to read as follows:

Section 42. Seizure and Destruction of Firearm. ORS 166.280 is incorporated by reference into this Ordinance.

X9. Section 47 of Ordinance 886 is amended to read as follows:

Section 47. Delivery and Possession of Controlled Substances. ORS 475.960 and 475.991 through 475.995 inclusive are incorporated by reference into this Ordinance and a violation or failure to comply with the provisions of these statutes is an offense against the City.

Y. Sections 5, 12, 13, 14, 20, 21, and 27 of Ordinance No. 886 are hereby repealed.

Y1. Section 34(4) of Ordinance 886 is amended by deleting from the end of the subsection the following words:

"without the express written permission of the Police Department."

Z. Section 37 of Ordinance 886 is amended to read as follows:

Section 37. Fireworks. The following statutes of the Oregon Fireworks Law applicable to the City are adopted by reference and made a part hereof ORS 480.110, ORS 480.120, ORS 480.130, ORS 480.140(1), and ORS 480.150.

Z1. Section 39 Ordinance 886 is amended to read as follows:

Section 39. Discharge of Gun or Rocket. No person other than an authorized police officer or animal control officer in the performance of his duties, shall fire or discharge a gun including a spring or air activated gun nor shall a person propel a projectile by use of explosives, combustibles or jet or rock propulsion within the City limits. This section does not apply to areas designated by the City for the use of said guns or legal fireworks.

Z2. Section 40 of Ordinance 886 is amended to read as follows:

Section 40. Possession and Use of Weapons. ORS 166.240, 166.250, 166.270, 166.300, 166.320, 166.330, 166.350, 166.370 and 166.630 are incorporated by reference into this ordinance and a violation or failure to comply with a provision of these statutes is an offense against the City.

Z3. Section 44 of Ordinance 886 is amended to read as follows:

Section 44. Slingshots, Flippers, Air and Pellet Guns.

(1) No person shall carry or possess a slingshot, flipper, air or pellet gun nor similar device equipped to fire a missile, without the use of black or smokeless powder, between the hours of sunset and sunrise while on or within the streets, alleys, sidewalks, parks or other public property of the City.



(2) No person shall shoot, discharge or otherwise use the slingshot, flipper or similar device for the purpose of propelling or throwing a shot, stone or other missile within the City.

Z4. Section 50(2) of Ordinance 886 is amended by deleting the reference to Sections 6, 14, 20 and 25.

Z5. Section 1 of Ordinance 896 is amended to read as follows:

Section 1. When the City of Sweet Home sells real property at a lien foreclosure sale, a purchaser buys the property and the property is redeemed. The redemption shall be done by making applicable and applying the provisions of ORS 223.565 to the redemption.

Z6. The last sentence of Section 1-110(2) of Ordinance 898 is hereby deleted.

Z7. Section 1.110(b) of Ordinance 898 is amended to read as follows:

(b) Procedures for removal. The building inspector shall not remove any sign without first notifying in writing its owner, and the owner of the premises upon which the sign is located, at their last known addresses, and allowing 30 days to elapse, except when the sign presents an immediate and serious danger to the public. During the 30-day period, the owner of the sign or the owner of the premises upon which the sign is located may remove the sign or appeal the ruling of the building inspector.

Z7(1). Section 2 of Ordinance 940 is amended by adding at the end of the section the following:

On an unimproved street (including unimproved alley) the owner and/or person in charge of the adjacent property is required to cut noxious vegetation on the street (alley) to the center line of said street (alley) until such time that it is improved. On an improved street (not alley) the adjacent owner or person in charge of the property is required to cut noxious vegetation to the curb on the street or edge of the traveled portion of the street whichever pertains to the given property. On an improved alley the owner or the person in charge of the property is required to cut noxious vegetation to the center line of the alley. An unimproved street (including alley) refers to a street (alley) that is not in use but has been dedicated, deeded or otherwise given to the City for use as a street (alley). Improved street (including alley) refers to street (alley)

that is being used by the public as a street (alley). On an unimproved street (including alley) noxious vegetation on the street (alley) shall be cut like the adjacent property is required to be cut.

Z7(2). The last sentence of Section 1 of Ordinance 940 is amended to read as follows:

Said untrimmed trees and shrubs are hereby declared to be noxious vegetation.

Z7(3). Section 1 of Ordinance 940 is amended by adding subsection 6 to read as follows:

(6) An alley is defined in this Ordinance as a street through the middle part of a block and/or as defined by ORS 801.110.

Z8. Section 4 through 12 inclusive of Ordinance 940 are hereby repealed and the section numbers 5 through 12 inclusive are reserved for expansion and a new Section 4 is created to read as follows:

Section 4. The Abatement of Noxious Vegetation or other violations herein shall be done by following the abatement procedures in Sections 25 through 32 inclusive set out in Ordinance 955 as now enacted or hereafter amended.

Z9. Sections 4 through 17 inclusive of Ordinance 952 are repealed and the section numbers 5 through 17 inclusive are reserved for expansion and a new section 4 is hereby created to read as follows:

Section 4. Notice for Abatement. Before removal of a discarded vehicle under the terms of this ordinance, written notice shall be given as provided herein. The enforcement officer shall give written notice to the registered or other owner which is in violation of this ordinance and/or give such notice to person in charge of the property on which such vehicle is situated to the effect that the parking, storing, leaving or permitting the parking, storing or leaving such vehicle is in violation of this ordinance. The disposition of any vehicle shall be as if it were an "abandoned vehicle" under ORS 819.110 to ORS 819.260 inclusive and the persons involved shall have all the rights and duties created thereby except as otherwise provided by this ordinance. Further, a vehicle does not have to be posted as a part of the notice process or have a citation affixed to it before it is towed when it is on private property.

Z10. Section 1 of Ordinance 960 is amended to read as follows:

Section 1. Possession of property. Whenever a City employee takes possession of any personal property, whether abandoned, seized, confiscated, stolen, lost, unclaimed, or evidential, the City employee so taking said personal property shall cause notice thereof to be given to the Police Department and the property shall be disposed of as this ordinance or other Sweet Home ordinances or city procedures concurrent therewith direct, at the expense and risk of the owner or person lawfully entitled to possession thereof, until their rights are waived or terminated thereunder.

Z11. Section 2 of Ordinance 960 is amended by labeling the last paragraph in section 2, subsection d and providing for a, b and c to read as follows:

a) If any money or goods valued at less than \$100.00 is found and delivered to the City of Sweet Home the owner of the money or goods being unknown, the Police Department shall post on the bulletin board in the main corridor of the City Hall of the City of Sweet Home notice of the finding. The notice shall be so posted for thirty (30) consecutive days and shall state the general description of the money or goods found, and the final date before which the money or goods shall be returned to the finder or placed in the general fund of the City of Sweet Home.

b) All money or goods not identified and claimed within sixty (60) days from the date of delivery to the City of Sweet Home shall be returned to the person who delivered the money or goods to the City of Sweet Home. If said person cannot be located, or is a police officer, then the money or property shall be turned over to the City of Sweet Home, liquidated where necessary, and deposited in the general fund of the City of Sweet Home.

c) If the money or goods have a value of \$100.00 or more, they shall be disposed of as set forth in ORS 98.005, et seq. For money or goods taken into the possession of the City only, the decision of whether or not the value of the money and goods is \$100.00 or more is to be made by the Chief of Police or an officer acting in his stead.

Z12. Section 5 of Ordinance 960 is amended by replacing the ORS reference therein to read as follows: ORS 830.905

Z13. Section 8 of Ordinance 960 is amended to read as follows:

Section 8. Scope. This ordinance shall apply to all personal property coming into the possession of the City that is now or hereafter in possession of the City except where other specific ordinances or state statutes apply to the situation or property and the good faith sale described under Section 13 shall apply to said ordinances and statutes.

Z14. Section 4.3-3(2)(b) of Ordinance 984 is amended to read as follows: (b) maintain the floodproofing certifications.

Z14(1). The last sentence of Section 1 of Ordinance 992 is amended by adding at the end of the sentence the following words:

and notice shall be given to the owner and secured party at their last known address before final disposition of the vehicle.

Z15. Section 4(4)(a) and (b) of Ordinance 1016 are amended by adding the words "Ordinance 644" after the number 10.606 and 10.707 respectively therein.

Section 3. Pertaining to present and future ordinances, whenever reference is made to a specific ORS statute or the Dangerous Building Code then the interpretation shall be that the City is incorporating by reference only the statute and Dangerous Building Code as it is enacted at the time of incorporation eventhough words like, with amendment, may be present. Conversely, if a code that is Oregon law is referred to and adopted by reference the interpretation shall be that it is adopted with amendments thereto as well as when a Sweet Home Ordinance refers or adopts the provisions of another Sweet Home Ordinance.

Section 4. The following grammatical rules shall apply to the ordinances of the City of Sweet Home unless it is apparent from the text that a different construction is intended.

a) Gender. Each gender includes the masculine, feminine and neutered genders.

b) Singular and plural. The singular number includes the plural and the plural includes the singular.

c) Tenses. Words used in the present tense include the past and future tenses and vice versa unless manifestly inappropriate.

Section 5. Repeal shall not revive any ordinances. The repeal of any ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due and unpaid on the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 7. It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this  
26th day of November, 1991.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager and Ex-Officio  
City Recorder