

Notice of Public Meeting City Council Meeting

AGENDA

CITY COUNCIL - CITY OF FALLS CITY, OREGON

Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Thursday October 13, 2016 7:00 p.m.

Posted on October 7, 2016

- 1) **Call to Order**
A) Roll Call: Julee Bishop ____ Dennis Sickles ____ Lori Jean Sickles ____ Jennifer Drill ____
Tony Meier ____ Gerald Melin ____ Terry Ungricht, Mayor ____
- 2) **Pledge of Allegiance**
- 3) **Motion to Adopt the Entire Agenda**
- 4) **Consent Agenda: Motion Action Approving Consent Agenda Items**
A. Approval of the Bills pages 1-6
B. Approval of September 8, 2016 Council Meeting Minutespages 7-11
C. Approval of September 26, 2016 Council Special Meeting Minutes.....pages 12
- 5) **Public Comments:** Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
- 6) **New Business:**
A. Code Enforcement Update.....pages 13-40
B. Ordinance 542-2016..... pages 41-45
C. Library..... pages 46-67
- 7) **Correspondence, Comments, and Ex-Officio Reports**
A. Mayor Report.....pages 68-78
B. Council Reports
 Polk County Sheriff Garton's report.....page 79
 Fire Department Monthly Report, January through May.....pages N/A
 Public Works Department Monthly Reportpages 80-81
 Library Monthly Reportpages 82-83
- 8) **Council Announcements**
A. Next regular City Council meeting November 10, 2016 at 7:00 p.m.
- 9) **Adjourn**

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City of Falls City
Find Report
September 7, 2016

Name	Date	Memo	Account	Class	Amount	Balance
Buhler & Meyer CPAs LLP	09/07/2016	August	Accounts Payable		-402.40	-402.40
Buhler & Meyer CPAs LLP	09/07/2016	35% Admin, August	Professional Services	01 GENERAL FUND:01.01 Administrativ	140.84	-261.56
Buhler & Meyer CPAs LLP	09/07/2016	5% Court	Professional Services	01 GENERAL FUND:01.04 Municipal Ci	20.12	-241.44
Buhler & Meyer CPAs LLP	09/07/2016	10% Street	Professional Services	11 STREET FUND	40.24	-201.20
Buhler & Meyer CPAs LLP	09/07/2016	15% Sewer	Professional Services	13 SEWER FUND	60.36	-140.84
Buhler & Meyer CPAs LLP	09/07/2016	35% Water	Professional Services	20 WATER OPERATING FUND	140.84	0.00
Dallas Auto Parts	09/07/2016	Statement 08.31	Accounts Payable		-71.38	-71.38
Dallas Auto Parts	09/07/2016	Statement 08.31	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	71.38	0.00
Edge Analytical	09/07/2016	16-21557	Accounts Payable		-20.00	-20.00
Edge Analytical	09/07/2016	16-21557	Lab Analysis Services	20 WATER OPERATING FUND	20.00	0.00
Falls City Fire Association	09/07/2016	September Donation	Accounts Payable		-916.66	-916.66
Falls City Fire Association	09/07/2016	September donation	Point System	01 GENERAL FUND:01.07 Fire Departm	916.66	0.00
Hach Company	09/07/2016	10075665	Accounts Payable		-337.79	-337.79
Hach Company	09/07/2016	10075665	System Maintenance/Repair	20 WATER OPERATING FUND	337.79	0.00
Les Schwab	09/07/2016	21632373	Accounts Payable		-106.24	-106.24
Les Schwab	09/07/2016	21632373	Equipment Maintenance/Repair	20 WATER OPERATING FUND	106.24	0.00
Net Assets Corporation	09/07/2016	66-201608	Accounts Payable		-22.00	-22.00
Net Assets Corporation	09/07/2016	50% Lien service-66-201608	Professional Services	13 SEWER FUND	11.00	-11.00
Net Assets Corporation	09/07/2016	50% Lien service-66-201608	Professional Services	20 WATER OPERATING FUND	11.00	0.00
Royal Flush Portables, Inc	09/07/2016	A-16693	Accounts Payable		-250.00	-250.00
Royal Flush Portables, Inc	09/07/2016	A-16693	Professional Services	01 GENERAL FUND:01.03 Parks	250.00	0.00
Sharon Volk Grene	09/07/2016	reimbursement	Accounts Payable		-811.96	-811.96
Sharon Volk Grene	09/07/2016	Reimburse expense, supplis and training	Medical Supplies	01 GENERAL FUND:01.07 Fire Departm	811.96	0.00
Terry Ungricht	09/07/2016	August Expenses	Accounts Payable		-324.54	-324.54
Terry Ungricht	09/07/2016	August Expenses	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrativ	324.54	0.00
Valley Electric Company, LLC	09/07/2016	September statement	Accounts Payable		-675.00	-675.00
Valley Electric Company, LLC	09/07/2016	September, Recirculation pump	Equipment Maintenance/Repair	13 SEWER FUND	675.00	0.00
Xerox Corporation	09/07/2016	inv 086075230	Accounts Payable		-208.12	-208.12
Xerox Corporation	09/07/2016	65% Use, inv 086075230	Operational Supplies	01 GENERAL FUND:01.01 Administrativ	135.28	-72.84
Xerox Corporation	09/07/2016	25 % Use	Operational Supplies	20 WATER OPERATING FUND	52.03	-20.81
Xerox Corporation	09/07/2016	10% Use	Operational Supplies	13 SEWER FUND	20.81	0.00

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	09/16/2016	1617088		Accounts Payable			-592.50
Total Mid Willamette Valley COG	09/16/2016	Inv 1617088, land use		Council of Governments Planning	01 GENERAL FUND:01.01 Administrativ		592.50
							0.00
Pacific Power	09/16/2016	multiple accounts, 21091561-006 2		Accounts Payable			-1,462.97
	09/16/2016	September		Power/Heat	01 GENERAL FUND:01.07 Fire Departm		383.26
	09/16/2016	September		Power/Heat	01 GENERAL FUND:01.01 Administrativ		71.57
	09/16/2016	September		Power/Heat	01 GENERAL FUND:01.03 Parks		87.26
	09/16/2016	September		Power/Heat	13 SEWER FUND		235.58
	09/16/2016	September		Street Lights	11 STREET FUND		626.60
	09/16/2016	September		Power/Heat	20 WATER OPERATING FUND		58.70
Total Pacific Power							0.00
Petro Card	09/16/2016	C098115		Accounts Payable			-59.21
	09/16/2016	20% C098115		Vehicle Operation	11 STREET FUND		11.84
	09/16/2016	20%		Vehicle Operation	13 SEWER FUND		11.84
	09/16/2016	60%		Vehicle Operation	20 WATER OPERATING FUND		35.53
Total Petro Card							0.00
Royal Flush Portables, Inc	09/16/2016	A-16721		Accounts Payable			-72.58
	09/16/2016	A-16721		Professional Services	01 GENERAL FUND:01.03 Parks		72.58
Total Royal Flush Portables, Inc							0.00
Speer Hoyt LLC	09/16/2016	36608		Accounts Payable			-2,356.00
	09/16/2016	INV: 36608		Attorney/Special Council	01 GENERAL FUND:01.01 Administrativ		2,356.00
Total Speer Hoyt LLC							0.00
Verizon Wireless	09/16/2016	9770901787		Accounts Payable			-37.96
	09/16/2016	September		Telephone	01 GENERAL FUND:01.01 Administrativ		18.98
	09/16/2016	September		Telephone	20 WATER OPERATING FUND		18.98
Total Verizon Wireless							0.00
West Valley Hospital	09/16/2016	INV, 1022, acct# 1533		Accounts Payable			-699.19
	09/16/2016	EMS Medication Billing, inv 1022		Medical Supplies	01 GENERAL FUND:01.07 Fire Departm		699.19
Total West Valley Hospital							0.00
ACI - Appraisal & Consulting, Inc.	09/24/2016	Appraisal 304/306 N Main, Falls City		Accounts Payable			-1,200.00
	09/24/2016	Appraisal 304/306 N Main		Professional Services	01 GENERAL FUND:01.01 Administrativ		1,200.00
Total ACI - Appraisal & Consulting, Inc.							0.00
CIS Trust	09/24/2016	2nd quarter worker comp		Accounts Payable			-3,080.08
	09/24/2016	2nd quarter		Worker's Comp Insurance	01 GENERAL FUND:01.01 Administrativ		123.20
	09/24/2016	2nd quarter worker comp		Worker's Comp Insurance	01 GENERAL FUND:01.03 Parks		92.40

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Total CIS Trust									
Costco	09/24/2016	00011840396395	City Membership	Accounts Payable	01 GENERAL FUND:01.01 Administrativ			-55.00	
	09/24/2016			Office Supplies				55.00	
								0.00	
Total Costco									
Falls City Fire Association	09/24/2016	October Donation	Accounts Payable	01 GENERAL FUND:01.07 Fire Departm				-916.66	
	09/24/2016	October donation	Point System					916.66	
								0.00	
Total Falls City Fire Association									
Pitney Bowes	09/24/2016	8000-9000-9869-9830	Accounts Payable	01 GENERAL FUND:01.01 Administrativ				-301.50	
	09/24/2016	8000-9000-9869-9830	Office Supplies					60.30	
	09/24/2016	8000-9000-9869-9830	Office Supplies	13 SEWER FUND				60.30	
	09/24/2016	8000-9000-9869-9830	Office Supplies	20 WATER OPERATING FUND				180.90	
								0.00	
Total Pitney Bowes									
US Bank Visa	09/24/2016	Account Number: 4798 5312 1498 1146	Accounts Payable	01 GENERAL FUND:01.01 Administrativ				-1,153.40	
	09/24/2016	September, checks, website, USPS	Computer Software Maintenance					700.54	
	09/24/2016	bags	Maintenance Supplies	01 GENERAL FUND:01.03 Parks				44.00	
	09/24/2016	Motel	Travel/Meeting Expense	20 WATER OPERATING FUND				408.86	
								0.00	
Total US Bank Visa									
Valley Electric Company, LLC	09/24/2016	September statement	Accounts Payable	13 SEWER FUND				-233.96	
	09/24/2016	September, tank pump re-wire	Equipment Maintenance/Repair					233.96	
								0.00	
Total Valley Electric Company, LLC									
CenturyLink Business Services	10/05/2016	September 1388181796	Accounts Payable	01 GENERAL FUND:01.01 Administrativ				-1.97	
	10/05/2016	September 1388181796-85%	Telephone					1.67	
	10/05/2016	September 1388181796-15%	Telephone	20 WATER OPERATING FUND				0.30	
								0.00	
Total CenturyLink Business Services									
City of Dallas	10/05/2016	INV# 4318, 4320, & 2016609271863	Accounts Payable	11 STREET FUND				-1,223.58	
	10/05/2016	2016609271863-August	Streets Maintenance/Repair					300.00	
	10/05/2016	Inv#4318 and 4320	Vehicle Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm				923.58	
								0.00	
Total City of Dallas									
Complete Wireless Solutions	10/05/2016	89879	Accounts Payable	01 GENERAL FUND:01.07 Fire Departm				-180.00	
	10/05/2016	Fire Radios, 89879	Equipment O&M					180.00	

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Surplus Cashier	10/05/2016	ARK42345	Accounts Payable			-240.00
Total Surplus Cashier	10/05/2016	ARK42345, totes	Council Approved Projects	01 GENERAL FUND:01.02 City Council		<u>240.00</u>
Terry Ungricht						0.00
Total Terry Ungricht	10/05/2016	September Expenses	Accounts Payable			-171.72
Van Wall Building Supply	10/05/2016	September Expenses	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrativ		<u>171.72</u>
Total Van Wall Building Supply						0.00
Verizon Wireless	10/05/2016	inv. 11349121	Accounts Payable			-109.99
Total Verizon Wireless	10/05/2016	inv. 11349121	Fire Station Maint/Repairs	01 GENERAL FUND:01.07 Fire Departm		<u>109.99</u>
Xerox Corporation	10/05/2016	9770901787	Accounts Payable			0.00
Total Xerox Corporation	10/05/2016	October	Telephone	01 GENERAL FUND:01.01 Administrativ		-37.96
	10/05/2016	October	Telephone	20 WATER OPERATING FUND		<u>18.98</u>
	10/05/2016	October	Telephone			18.98
						0.00
	10/05/2016	inv 086471685	Accounts Payable			-240.50
	10/05/2016	65% Use, inv 086471685	Operational Supplies	01 GENERAL FUND:01.01 Administrativ		<u>156.33</u>
	10/05/2016	25 % Use	Operational Supplies	20 WATER OPERATING FUND		60.12
	10/05/2016	10% Use	Operational Supplies	13 SEWER FUND		<u>24.05</u>
						0.00

City of Falls City
City Council Regular Meeting
Meeting Minutes
September 8, 2016
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Mayor Terry Ungricht, Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

Staff Present: JoHanna Birr, City Clerk; Don Poe, Public Works Lead Worker

Mayor Ungricht called the meeting to order at 6:01 PM.

1) Roll Call

Clerk Birr took roll call. Councilor Bishop was absent. Councilor D. Sickles was late due to a school activity; he arrived at 6:36 pm.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor Meier and seconded by Councilor Drill to adopt the entire agenda with the addition of Item I; Resolution 18-2016, A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND OREGON PARKS AND RECREATION DEPARTMENT FOR THE LAND ACQUISITION GRANT TO EXPAND MICHEAL HARDING PARK. Motion carried 4-0-0. Ayes: Lori Jean Sickles Jennifer Drill, Tony Meier, Gerald Melin

4) Consent Agenda

A motion was made by Councilor Meier and seconded by Councilor Melin to adopt the Consent Agenda. Motion carried 4-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin

Council asked for clarification on the Paid Bills Report page 1, Richard and Patricia Hill. Mayor Ungricht explained it was for a modification in their land use application process. They are opting for a lot line adjustment forming only two lots as opposed to a subdivision application.

Sheriff Garton was time restricted with another meeting to attend. Mayor Ungricht obliged Sheriff Garton allowing him to speak during this portion of the meeting. There were no questions regarding the Sheriff's report. All activity has been about the same with little or no change. Polk County Crisis Response Team, consisting of a deputy paired with a mental health worker, started September 6, 2016. Salem Police Department is participating in this program as well.

Sheriff Garton announced Salem Police Department would be covering Polk County four days per week on calls. In turn, Polk County would be covering West Salem. This way 24/7 coverage will be possible for all areas. He reassured Council and attendees not to be alarmed if they should see marked Salem PD patrol cars in the area from time to time.

Sheriff Garton thanked the community for starting up the Neighborhood Watch program. He shared the next meeting to be held would be September 22 at 6:30 pm. In addition, September 21, HADIT (Healthy Alternative Drug Information Team) will be meeting at the Breadboard. Sheriff Garton will speak on perception and misconception of law enforcement and community. He pointed out that many callers reporting crimes wish to remain anonymous. Callers must give their

information to enable law enforcement to investigate and proceed to serve and protect the community. Lack of this basic information prohibits officers from moving ahead on reports of criminal activity.

Another program Polk County Sheriff's Office can now offer is a school liaison deputy. This Deputy will be available Monday through Fridays and cover Falls City, Bridgeport, Pee Dee, and Perrydale. This liaison will take reports from students and present educational materials. A key element of his role will be to build trust, communications and relationships with school-aged children. Jack Thompson, Falls City School District's Superintendent, HS Principal and Special Education Director was kind enough to offer a desk and office to the PCSO for this program's purpose. Brief discussion on DARE took place. Sheriff Garton said this program is virtually non-existent due to other more successful programs.

Council thanked Sheriff Garton for attending the meeting and sharing information.

5) Public Comments

None

6) New Business

A. Bridgeport Road

Mr. Lamb, an out of city limits resident of Falls City requested of Council to prepare a letter in support of paving a small gravel portion of Bridgeport Road. The length is approximately 1.5 miles. Dust abatement materials are costly and not effective to control safe levels of visibility. The road incurs heavy vehicle traffic including school buses and logging trucks as well as being the main artery for the south side of town.

A motion was made by Councilor Drill and seconded by Councilor Meier that Falls City Council grant its consent to have staff draft a letter for the Councilors to sign in favor of the Bridgeport paving project. Motion carried 4-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin

B. Resolution 17-2016, City Engineer Contract

Mayor Ungricht included the original city engineer contract and a revised contract in the Council packet (pgs. 46 and 69 respectively). Minor changes were made in negotiations with Westech Engineering. Previous Council action allowed staff to work to negotiate a contract with the engineering firm selected by the City Engineer Review Panel. Councilor Drill said she was not aware of these changes. Mayor Ungricht assured her they were more of a tonal nature in wording. Initially insurance was a point of concern, but after successful negotiation, it stayed the same. Councilor Drill suggested changes be clearly highlighted for Council in the future.

A motion was made by Councilor Meier and seconded by Councilor Melin to adopt resolution 17-2016, A RESOLUTION OF THE CITY OF FALLS CITY, OREGON AUTHORIZING THE APPOINTMENT OF WESTECH ENGINEERING, INC. TO SERVE AS CITY ENGINEER FOR THE CITY OF FALLS CITY. Motion carried 3-1-0. Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin. Nays: Jennifer Drill

C. Wastewater Income Survey

Informational material on the Wastewater Income Survey included Portland State University's process and findings in relation to our low-income survey results. This survey was conducted in order to qualify for CDBG grant funding. Falls City results showed 55.15% low-income residents and surpassed the threshold of 51% needed to qualify. Councilor Drill thanked Mayor Ungricht for all of his hard work and effort on this project. Mayor Ungricht also included a thank you to Rose Bajorins, Councilor D. Sickles and Shane Curry.

D. OHA Water System Survey

The survey resulted in three deficiencies. 1) Rounding numbers improperly. Figures should not be rounded individually, but in total. 2) Cross Connection specialist not retained. Mayor Ungricht was aware of this issue and has been in contact with Oregon Utilities Association, which offers a weeklong training course in cross-connections. They also gave him names of professionals and contracting this position out is an option. This item will take the longest to correct due to training and costs involved. 3) Water Master Plan not in place. This is in process, and should be completed by the end of the year.

These surveys occur every five years unless deficiencies are found. Then it is performed every three years. There is not a fine, but these do pose a cost to the city each time they are done.

E. Committee Appointments

A motion was made by Councilor Drill and seconded by Councilor Meier that the Falls City Council grant its consent to appoint Janet Propp to the Parks & Recreation Committee. Motion carried 4-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin.

F. Boondocks Additional Privilege OLCC License

The Boondocks Bar and Restaurant has requested they be allowed to sell beer kegs to customers in the area. Currently Salem is the nearest place to purchase these. Local farmers host end of harvest parties and would like the convenience of buying beer beverages at the Boondock's site. Lori Jean Sickles recused herself, as she is co-owner of The Boondocks.

A motion was made by Councilor Meier and seconded by Councilor Melin that the Falls City Council recommend that OLCC grant The Boondocks the additional license type of limited On-Premise Sales and direct staff to sign the City Use Only section of the OLCC liquor license application. Motion carried 2-1-0. Ayes: Tony Meier, Gerald Melin. Nays: Jennifer Drill

Clerk Birr confirmed the motion carried after reviewing "An Overview of Falls City's Municipal Government; A Guide for City Council". This League of Oregon Cities Hand Book publication was last revised on March 13, 2013 and kept with the Clerk at all meetings as a quick reference. Clerk Birr read aloud for Council; "Quorum, Four Councilors are needed to make a quorum and conduct business at a meeting. For most items, a majority vote of those present is needed for passage." This rule corresponds with the Falls City Charter- Section 13.

G. Declaration of Emergency

Informational material was provided in the packet on Resolution 18-2014, A RESOLUTION ADOPTING THE FALLS CITY EMERGENCY OPERATIONS PLAN, and the adopted plan itself. Councilor Drill has emergency items she would like to go over in detail with Council's review at a work session meeting. She thanked Mayor Ungricht for the overview. Mayor Ungricht reminded her materials to be included in a packet are due in advance.

H. Code Enforcement

Mayor Ungricht has been speaking with the City attorney about a citizen panel for code enforcement issues. This panel would oversee cases of code violations, which resulted in non-compliance and a citation issued. The panel could consist of one person, such as the City of Detroit uses or a three-person panel. A part time code enforcer would be required to act on our complaint

driven system, negotiate compliance, issue citations, refer to panel etc. Citation recipients would have the right to an appeal process with the Sixth Circuit Court. Fines would result in legal lien against the property in violation. Mayor Ungricht and the City Attorney estimate it would cost \$1,500.00 to \$2,000.00 to bring our Ordinances into line with this type of arrangement versus our current court based system.

Mayor Ungricht asked Council for direction and preference on the Code Enforcement panel size. Councilors Meier and Drill voiced favoritism for a three-person panel to ensure fair balance. Councilor Drill thanked Mayor Ungricht and Council for working so hard on this issue.

A motion was made by Councilor Drill and seconded by Councilor Melin that the Falls City Council instruct staff to work with the City Attorney to develop Ordinances that set up a process for a volunteer panel to hear code enforcement cases. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

1. Resolution 18-2016, Acquisition of Falls City Alliance Property

This resolution would allow the City of Falls City to enter into a grant agreement with the Oregon Department of Parks and Recreation for the maximum amount of \$85,000. This would allow the City to reimburse itself to the Revolving Loan Fund. Past administration had granted to loan the Falls City Alliance money from the Revolving Fund for the acquisition of land adjacent to Michael Harding Park in order to "Save the Falls". This loan has been in default causing the City to make payments on behalf of the Alliance.

There would be a few incidental costs involved with a title company, title insurance and new loan papers.

A motion was made by Councilor Drill and seconded by Councilor L. Sickles that the Falls City Council approve Resolution 18-2016, A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND OREGON PARKS AND RECREATION DEPARTMENT FOR THE LAND ACQUISITION GRANT TO EXPAND MICHEAL HARDING PARK. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Mayor Ungricht announced the Community Development Block Grant application is in process and he will be asking for the maximum amount of \$2.5 million for the Wastewater project.

B. Council Reports

Councilor Drill inquired if staff had researched designated parking signs. Mayor Ungricht responded that he had not. The Sheriff would like some trees removed in certain areas and "Closed at Dusk" signs posted in the parks. Mayor Ungricht apologized he did not make a note to check into parking signs. This item would be discussed at an upcoming Parks and Recreation meeting with information brought back to Council. Mayor Ungricht has spoken with Mr. Lauder and Mr. Propp about an affordable solution to close off parking in Michael Harding Park.

The ongoing trash situation at Green Haven RV Park was discussed. Mayor Ungricht said it would be best to negotiate with them to ensure they are operating in accordance with their CUP (Conditional Land Use Permit) agreement. Mayor Ungricht this is the best starting point for change. He invited Councilor Meier to spearhead the compliance project. Councilor Meier would work with the Bowmans and coordinate with staff to set up a spreadsheet for RV movement and other compliance issues. Councilor D. Sickles asked Councilor Meier how he felt about this role. Councilor Meier said something must be done and accepted the assignment.

Another issue is that Green Haven does not have multipliers on their water service unlike other multi-unit properties on the system. This would be a future issue the City could address. As it is, Green Haven is getting a very good deal noted Mayor Ungricht.

A motion was made by Councilor L. Sickles and seconded by Councilor Melin to appoint Councilor Meier to coordinate with staff to ensure Green Haven Complies with their Conditional Land Use Permit. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

All are welcome to attend a Town Hall Meeting on September 22, 2016. Sheriff Garton will be there. Topics include Green Haven RV Park, Emergency preparedness and Neighborhood Watch. An emergency sanitation kit was purchased and put in Fire Department storage. Councilor Drill read aloud a very detailed email regarding a legislative update on emergency preparedness from Senator Boquist.

Councilor Meier would work with staff and focus on regulations of Green Haven's CUP agreement.

Councilor Melin said the EDC committee is very excited and looking at a family friendly yearly event. He asked that name suggestions for the event be given to Patti Sample.

Councilor D. Sickles proposed City Council meeting times be changed to 7:00 pm through the election cycle as it conflict with his position as Athletic Director at the school. Councilors agreed a time change to 7:00 pm would be convenient.

7) **Council Announcements**
October 13, 2016 at 7:00 PM is the next City Council meeting.

8) **Adjourn**
The meeting adjourned at 7:20 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk JoHanna Birr

City of Falls City
City Council Special Meeting Minutes
Monday September 26, 2016
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Mayor Terry Ungricht, Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop

Staff Present: JoHanna Birr, City Clerk

Mayor Ungricht called the meeting to order at 6:59 pm. Councilor L. Sickles departed at 7:46 pm.

1) Roll Call

Clerk Birr took roll call.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor Meier and seconded by Councilor D. Sickles to adopt the entire Agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, D. Sickles, Julee Bishop

4) Motion to adopt the Consent Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to adopt the Consent Agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, D. Sickles, Julee Bishop

5) Falls City Emergency Operating Plan

Council reviewed the current Falls City Emergency Operations Plan and Councilor Drill led discussion on the topics of Electronic Magnetic Impulse (EMP), earthquake and best communication practices for worst-case scenarios. Council welcomed the Emergency Preparedness Group's (EPG) work and support in case of such events.

Order of Communications by title was clarified as defined in the Emergency Operations Plan.

Mayor and Council would meet at the Community Center (Communication headquarters) with City staff, Fire Department, and EPG Leads. It was determined EPG Leads should have Community Emergency Response Team (CERT) training to be most effective in conjunction with the Fire Department and other available resources. CERT training is available to anyone interested as is HAM (Amateur Radio) training.

Citizens will continue to be educated on basic disaster preparedness, best practices of food choices, preservation and storage for optimal long-term usability.

6) Correspondence, Comments, and Ex-Officio Reports

Green Haven RV Park's current Conditional Land Use Permit was discussed. Council supported a letter stating violations of non-compliance.

7) Adjourn

The meeting adjourned at 8:20 pm.

Attested:

_____ Mayor Terry Ungricht _____ City Clerk Birr

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: CODE ENFORCEMENT UPDATE
DATE: 10/05/2016

SUMMARY

The Falls City Council has directed staff to draft a code enforcement program that the City can afford and will be effective.

BACKGROUND

At direction of Council I had the City Attorney review the Nuisance Codes to see what changes we would have to make to the code to form a panel to hear cases. We have some good news, under our Code we have the ability for Council to hear the violations and rule on them.

I am including the enforcement procedures that are currently allowed under our code, along with some recommendations of small changes to streamline the process from our Attorney, exhibit 1. I am also including Chapter 90 of the Falls City Code of Ordinances, Exhibit 2.

The Attorney recommends talking with a qualified Code Enforcement officer for desired changes that would help the City streamline and strengthen our Nuisance Code. I have been trying to get ahold of the City's old Enforcement Officer to ask if he will help with reviewing the code and maybe even contract with the City as our Code Enforcement Officer.

If I am unable to connect with the prior code enforcement officer I will reach out to the Association to see if there is someone in the area that they would recommend we contact for help.

PREVIOUS COUNCIL ACTION

Directed staff to develop an enforcement procedure.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Financial implications would be on the cost of contracting with an Enforcement Officer.

STAFF RECOMMENDATION

Staff would like a discussion on Council's agreement in following through with setting up the outlined procedures and looking for an Enforcement Officer that would be willing to enter into an agreement to contract out to the City for enforcement.

EXHIBIT

Exhibit 1 – Nuisance Procedures under current Code.

Exhibit 2 – Chapter 90 of Falls City Code of Ordinances

PROPOSED MOTION

N/A

Nuisance Enforcement Procedures

- I. General nuisance abatement procedures (Sections 29 – 32)
 - a. Council makes determination that nuisance exists under Code. (Section 29(1))
 - b. City posts notice of nuisance on the premises and also sends notice to owner of property. (Section 29(1)-(2))
 - c. Notice must contain certain information required by Code. (Section 29(4))
 - d. Staff that posts and mails notice completes a certificate for the file stating the date and place of posting and mailing. (Section 29(5))
 - e. Responsible person is given opportunity to abate nuisance or appeal nuisance determination to Council. (Section 30(1))
 - f. If an appeal is made, Council hears the appeal at its next regular Council meeting. (Section 30(2)-(3))
 - g. If Council determines nuisance exists after appeal, responsible person shall abate nuisance. (Section 30(4))
 - h. If responsible person does not abate nuisance within time provided, City may abate nuisance and charge costs of abatement to responsible person. (Sections 31 and 32)
 - i. Responsible person may object to assessment costs and Council will make determination on objections at a Council meeting. (Section 32(2))
 - j. Unpaid costs of abatement may be assessed as lien on property. (Section 32(3))

- II. Noxious weeds (Section 18) (** Subsection numbers in Section 18 are not sequential and clearly need to be cleaned up.*)
 - a. City sends notice to abate. (Section 18(4))
 - b. Responsible person abates within time period given in notice. (Section 18(5))
 - c. If responsible person fails to abate, City may abate and charge costs to responsible person. Code does not authorize lien for these costs. (Section 18(6))

- III. Disabled, inoperable, abandoned or stolen vehicles (Section 27)
 - a. Inoperable vehicles cannot be stored in public view for more than 30 days. (Section 27(1))
 - b. Abatement of inoperable vehicles follows the general nuisance abatement procedures with notice posted on the vehicle and mailed to the owner. (Section 27(2))
 - c. Disabled, abandoned or stolen vehicles cannot be stored within the City for more than 24 hours. (Section 27(4))
 - d. Towing of disabled, abandoned or stolen vehicles can occur 24 hours after the vehicle is tagged by the Chief of Police. Towing and appeal procedures follow the procedures set out in ORS Chapter 819 and in policies adopted by City Council Resolution. (Section 27(4))

- IV. Summary abatement procedures (Section 33)
- a. City may abate nuisance under summary process if the nuisance is a "health or other nuisance that unmistakably exists and from that there is imminent threat or danger to human life or property."
 - b. City Council determines if imminent threat is created by nuisance situation. (Section 33(2)(a))
 - c. City issues citation meeting requirements of the Code. (Section 33(2)(c))
 - d. Responsible person has two hours to abate nuisance. (Section 33(3)(a))
 - e. Responsible person can appeal nuisance determination to Council. Council will hear the appeal at a special council meeting held within 3 days. (Section 33(3)(b))
 - f. Council will confirm or deny existence of nuisance. If confirmed, responsible person shall have two hours to abate nuisance. (Section 33(3)(e))
 - g. If responsible person does not abate nuisance, City can abate nuisance and charge costs of abatement to responsible person. (Section 33(4))
 - h. Costs of abatement can be filed as a lien against the property. (Section 33(1))

Exhibit 2

Falls City, OR Code of Ordinances

Overnight parking shall be prohibited within the business district on the streets of the city.

(Ord. 267, passed 8-3-1959) Penalty, see § 70.99

SCHEDULE V. LOADING ZONES.

It shall be unlawful to park any motor vehicle, truck, or trailer on that portion of the easterly one-half of Third Street commencing at a point 32 feet south of the south curb line on North Main Street and running thence south a distance of 20 feet, except for the purpose of loading or unloading cargo or passengers from the vehicle, truck, or trailer. In any event, the parking shall not exceed 15 minutes in duration, except as to vehicles used by the Post Office Department. The area shall be designated as a "loading zone," and the Chief of Police is directed to post appropriate signs adjacent to the area.

(Ord. 322, passed 11-4-1968) Penalty, see § 70.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. NUISANCES

91. STREETS AND SIDEWALKS

92. CEMETERIES

93. FIRE PREVENTION AND
PROTECTION

CHAPTER 90: NUISANCES

Section

90.01 Adoption by reference

§ 90.01 ADOPTION BY REFERENCE.

(Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

Section 1. DEFINITIONS. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following mean:

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“Abandoned Vehicle”. Any vehicle that is inoperative damaged, junked, partially or completely dismantled, or used for storage purposes.

“At Large”. A dog or livestock inside the corporate limits of the city, off the premises of the keeper, and not under complete control by adequate leash. The definition includes, but is not limited to, any dog or livestock upon, or capable of reaching, any public right-of-way, except if the dog or livestock is on a leash in full and complete compliance with sections 4 to 13. Excepted from this definition are dogs in obedience or field training exercises under the direct supervision of a handler.

“Authorized Representative”. Officers and personnel named by City Council. Law enforcement officer or officers representing the city for purposes of ordinance enforcement and citations; for purposes of abatement proceedings as set forth in Sections 30 through 34 herein the term ‘chief of police’ shall also include any code enforcement officer as designated by the city, including but not limited to the city recorder/administrator, building official, fire marshal, county representative as determined the Council.

“Building”. A permanent, four-sided, roofed structure built or used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

“Camping Vehicle”. Either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and that is intended for human occupancy and for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet. (Ordinance 99-473, 10/25/1999)

“Child”. Any person less than 18 years of age.

“City”. The City of Falls City.

“Council”. The governing body of the city.

“Exotic animals.”

(1) Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species *Felis catus* (domestic cat):

(2) Any monkey, ape, gorilla or other non-human primate;

(3) Any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and

(4) Any bear, except the black bear (*Ursus americanus*).

“Livestock”. Includes but is not limited to cattle, sheep, horses, mules, miniature horses, goats, pygmy goats, ratite (such as ostrich, cassowary, emu, moa, etc.), or other animal, excluding swine, but including any furbearing animals bred and maintained commercially or otherwise on property or within pens, cages and hutches.

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“Person”. A natural person, firm, partnership, association, or corporation

“Private Property”. A tax lot as recorded in the records of Polk County, Oregon regardless of the number of lots or record contained therein. (Ordinance 99-473, 10/25/1999)

“Property Owner” Property owner as recorded with the Polk County Assessor’s Office and the City utility department to determine the last known address.)

“Public place”. Any building, place or accommodation, whether publicly or privately owned, open and available to the general public.

“Recreational Vehicle”. A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, including but not limited to camping vehicles.

“Storage”. Placement anywhere on private property outside of a legally existing enclosed structure for a period in excess of seventy-two (72) hours.

“Vehicle”. Every device in, upon, or by that any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks. The definition of a vehicle includes wheeled devices that do not require licensing by the State of Oregon.

“Wildlife.” Pursuant to ORS 496.004, wildlife includes, but is not limited to, amphibians, antelope, beaver, black bear, bobcat, cougar, coyote, deer, elk, fisher, marten, mink, moose, mountain goat, mountain sheep, muskrat, otter, raccoon, reptiles, red fox, silver fox, gray squirrel and gray fox.

Section 2. Any nuisance as described in this Ordinance may be classified as an imminent threat to the public health, safety or property of the residents of Falls City by the Council, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two (2) hours after notification by City staff for violation of this Ordinance, the person or person in charge shall be subject to the abatement procedure provided in Section 30 of this Ordinance.

ANIMALS, LIVESTOCK, AND BEES

Section 3. ANIMALS AFFLICTED WITH A COMMUNICABLE DISEASE. No person may permit an animal or bird owned or controlled by the person to be at large within the city if the animal or bird is afflicted with a communicable disease.

Section 4. ANIMALS DAMAGING PROPERTY

1. No person or person in charge shall permit any dog or livestock owned or controlled by them to cause damage or injury to gardens, flowerbeds, and other property belonging to another person.
2. No person or person in charge shall permit any dog or livestock to run at large.

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Section 5. LIVESTOCK, POULTRY, AND BEES.

1. No person shall maintain a pigsty, slaughterhouse or tannery within the City, nor shall any person permit livestock owned by him or in his possession to run at large within the City of Falls City.
2. No person shall keep swine within the City, except that this Ordinance shall not apply to swine being transported for commercial purposes.
3. No person shall keep a stand or hive of bees in the City at a location within 150 feet of any street, alley, establishment, public building, private dwelling or barn; provided that this provision shall not apply to the dwelling, barn or other buildings of the person owning such bees.
4. No person may stake or picket a dog or livestock in or upon any of the streets, alleys, or public places of the city, or stake or picket any such animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of such property.
5. No person may keep or maintain livestock within the city unless:
 - a. Such animals are kept on lots having an area of one acre or more of unencumbered land. Property is considered encumbered if the property contains a residential home, apartment or other human living quarters, or if existing or future sanitary sewer (septic) or septic drain fields are located within the property. The area allocated to livestock may contain a stable, barn, pen, or other accessory buildings or structures for raising and keeping of animals. Such structures shall set back at least 40 feet from the rear and side property lines, and 60 feet from the front property line;
 - b. The total number of such animals over six months of age to be kept or maintained shall not exceed four per acre. The total number of horses, cows and/or sheep on one parcel shall not exceed ten (10) total animals; and
 - c. Persons occupying property that adjoins the area whereon said animals are to be kept or maintained interpose no objection to the keeping or maintenance of such animals.

Section 6. ANIMAL-RELATED STRUCTURES. Animal-related structures must be maintained in a condition as to not create a nuisance for neighbors. No excessive odors, noise, piles of animal waste or other nuisance that deprives a neighbor, or other person, of residential livability, peace, and quiet are allowed. Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

1. Not allowing animal waste to accumulate.
2. Not allowing animal waste to contaminate groundwater or drainage ways.

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3. Taking the necessary steps to insure odors resulting from livestock is not detectable beyond the property line.
4. Storing all livestock food in metal or other rodent-proof containers.

Section 7. Chickens and other fowl, and rabbits may be maintained on any property containing at least one-quarter of an acre (10,890 square feet) as long as said animals are not for resale and are maintained in pens or cages at all times. No roosters are permitted at any time.

Section 8. FARM DELIVERIES. No hay or feed deliveries are allowed before 6:00 a.m. or after 9:00 p.m.

Section 9. CONTROL OF LIVESTOCK ANIMALS. All livestock must be fenced and under the control of the property owner or lessee at all times. All fencing must be maintained in a condition that keeps the livestock within the property.

Section 10. EXPANSION OF PRE-EXISTING FARM USE PROHIBITED. Livestock on properties prior to the adoption of this Ordinance may continue but may not be replaced nor expanded except in conformance with the standards contained herein.

Section 11. REMOVAL OF ANIMAL CARCASSES. No person may permit any animal carcass owned by him or under his control to remain upon the public streets or places, or to be exposed on private property for a period of time longer than is reasonably necessary to remove or dispose of such carcass.

Section 12. RATS. No person owning or occupying any property within the city shall allow a condition to exist upon the property that condition attracts wild rats, gives wild rats access to food, or creates shelter accessible to wild rats. Such prohibited conditions shall include, but are not limited to the following:

- (1) Keeping of any animal so that feces, refuse, food or shelter associated with the keeping of the animal affords food or shelter to wild rats.
- (2) Allowing any accumulation of rubbish, trash, junk or other material that by reason of its decayed or unused condition affords shelter to wild rats.
- (3) Maintain vacant (unsecured) or damaged structures, including out-buildings, dwellings, (including manufactured homes) and recreational vehicles that may afford shelter to wild rats.

Section 13. WILDLIFE AND EXOTIC ANIMALS

- (1) No person shall keep any wildlife that is located within the city limits.
 3. No person shall keep any exotic animal that is located within the city limits.
 4. The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment under trained supervision for that a permit has been issued for a carnival, circus, or special event.

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(5) The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment located in facilities of the Falls City School District #57.

NUISANCES AFFECTING PUBLIC HEALTH.

Section 14. NUISANCES AFFECTING THE PUBLIC HEALTH. No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this Ordinance:

- (1) Privies. An open vault or privy constructed and maintained within the city, except those privies used in connection with construction projects and constructed in accordance with Department of Environmental Quality regulations.
- (2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)
- (3) Stagnant water. Any pool of water, that is without a proper inlet or outlet, that, if not controlled will be a breeding place for mosquitoes and other similar insect pests.
- (4) Water pollution. The Pollution of any body of water, well, spring, stream or drainage ditch or river by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.
- (5) Food. All decayed or unwholesome food that is offered for human consumption.
- (6) Odor. Any premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.
- (7) Surface drainage. Any drainage of liquid waste from private premises.
- (8) Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)
- (9) Unlicensed outdoor business. Private property on that is conducted any business or commercial activity outside of an enclosed, legally existing structure that is not licensed by the city, with the exception of a garage sale of three (3) days duration or less. Business license categories and fees may be changed by resolution of the council. (Ordinance 99-473, 10/25/1999)

NUISANCES AFFECTING PUBLIC SAFETY

Section 15. ABANDONED ICEBOXES. No person shall leave in any place accessible to

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children any abandoned, unattended, or discarded icebox, refrigerator, or similar container that has an airtight door with a lock, snap lock, or other mechanism that may not be released for opening from the inside, without first removing such lock or door from such lock or door from such icebox, refrigerator, or similar container.

Section 16. ATTRACTIVE NUISANCES.

(1) No Person or person in charge of any premises shall permit:

- a. Any unguarded machinery, equipment, or other devices on such premises that is attractive, dangerous, and accessible to children.
- b. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.
- c. Any open pit, quarry, cistern, or other excavation to remain open for an unreasonable length of time without erecting adequate safeguards or barriers to prevent such places from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

Section 17. SNOW AND ICE REMOVAL. No person or person in charge of any property, improved or unimproved, abutting upon any public sidewalk shall permit:

(1) Any snow to remain on the sidewalk for a period longer than the first five (5) hours of daylight after the snow has fallen.

(2) Any sidewalk to be covered with ice. It shall be the duty of any person or person in charge to remove any ice accumulating on the sidewalk or to properly cover the ice with sand, ashes, or other suitable material to assure safe travel within the first five hours of daylight after the ice has formed.

Section 18. WEEDS AND NOXIOUS VEGETATION.

(1) Definitions. For purposes of this section the following definitions apply:

“Noxious vegetation” means:

- a. Poison oak;
- b. Poison ivy;
- c. Blackberry bushes that extend into public property or across a property line;
- d. Vegetation that is:
 - a. A health hazard,

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- b. A fire hazard,
 - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous;
 - e. Weeds or grass more than ten (10) inches high;
 - f. Weeds or grass going to seed;
 - g. Noxious vegetation does not include agricultural crop grown on property zoned for agricultural purposes, unless that crop is a health, traffic or fire hazard.
2. Noxious vegetation is declared to be a nuisance.
 3. Owner Responsibility. No owner or person in charge of property may allow noxious vegetation to be on the person's or her property or on the parking strip or sidewalk area abutting the property. It is the duty of an owner or person in charge of property to cut down or to destroy noxious vegetation.
 4. Notice to Abate.

Upon determination by the Authorized Representative or their designee that noxious vegetation exists on any property, the Authorized Representative shall cause a notice to be mailed to the owner of the property. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

- a. The notice to abate shall contain:
 - a. A statement that noxious vegetation exists on the property;
 - b. A description of the real property, by street address or otherwise, on that or adjacent to that the noxious vegetation exists;
 - c. A direction to abate the noxious vegetation within seven (7) days from the date of the notice;
 - d. A statement that unless the vegetation is removed within seven days from the date of the letter the city will abate the nuisance and will charge the costs of abatement to the property owner;
 - e. A statement that the owner of the property may protest the abatement by giving notice to the Authorized Representative within five (5) days from the date of the notice.

An error in the name or address of the owner of the property shall not make the notice void if the error was caused by the owner or person in charge of the property failing to notify the city of their correct name and address. (At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.)

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Abatement by the Owner:

- a. Within the time allowed in this section the owner of the property shall remove the noxious vegetation or show that no nuisance exists.
- b. The owner of property protesting that no noxious vegetation in fact exists shall file with the Authorized Representative a written statement that shall specify the basis for so protesting. Based upon a physical inspection of the property the Authorized Representative or designee shall make a written determination of whether or not the noxious vegetation exists. Should the Authorized Representative determine that the nuisance does exist, the owner or person in charge of the property may either abate the vegetation within five (5) days after notice of the Authorized Representative's decision or may appeal the decision to the City Council by filing a written notice of appeal with the City Recorder within five (5) days from the date of the decision. If the Council determines that noxious vegetation does in fact exist, the owner or person in charge of the property shall, within five (5) days after the council determination, abate the noxious vegetation.

a. Abatement by the City.

a. If the noxious vegetation has not been removed within the time permitted, the Authorized Representative shall cause the vegetation to be removed. The officer charged with abatement shall have the right to enter into or investigate or cause the removal of the noxious vegetation.

- a. The cost of abatement shall be charged at actual costs incurred by the city, including but not limited to costs of removal of the noxious vegetation, administrative costs and certified or registered letter mailing costs.

(f) Assessment of Costs. The Authorized Representative by registered or certified mail shall forward to the owner of the property a notice stating the total amount of the cost of abatement. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

If the owner of the property does not pay the costs of the abatement within thirty (30) days from the date of the notice of costs, the city may take whatever lawful means available to collect the costs.

Section 19. SCATTERING RUBBISH. No person shall throw, dump, or deposit upon any street, alley or other public place, any injurious or offensive substance or any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle, or person traveling upon a public way.

Section 20. TREES.

1. No owner or person in charge of property that abuts upon any street or sidewalk may permit trees or bushes on his property, or on the parking strip adjacent thereto, to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or sidewalk to keep all trees and bushes on his

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premises and on the adjoining parking strip trimmed to a height of not less than eight (8) feet above the sidewalks and not less than ten (10) feet above the streets.

2. No owner or person in charge of property may allow to stand any dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

Section 21. FENCES.

1. No person shall construct or maintain any barbed-wire fence or allow barbed wire to remain as a part of any fence along a sidewalk or public way, unless such wire is placed not less than six (6) inches below and on the property owner side, not exposed to the public and above the top of a board or picket fence that is not less than six (6) feet high.
2. No person shall install, maintain, or operate a wire fence charged with electrical current along a street or sidewalk, or along the adjoining property line of another person.

Section 22. SURFACE WATERS, DRAINAGE.

1. No owner or person in charge of any building or structure shall suffer or permit rainwater, ice or snow to fall from any such building or a structure on to a street or public sidewalk or to flow across such sidewalk.
2. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon any sidewalk.

Section 23. ACCUMULATION OF OBJECTS. It is unlawful for any person to place, leave, store, dump or permit the accumulation on any open lot or other premises, any lumber, yard debris, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk, that are not removed within fourteen (14) days and that affect the health, safety or welfare of the city. Excepted from this prohibition are construction materials for ongoing construction projects, neatly stacked firewood and compost piles consisting of vegetable matter.

NUISANCES AFFECTING THE PUBLIC PEACE

Section 24. RADIO AND TELEVISION INTERFERENCE.

- (1) No person may operate or use an electrical, mechanical, or other device apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.
- (2) This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

Section 25. UNNECESSARY NOISE.

Standards and definitions.

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A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.

B. Measurement of Sound Level.

1. Measurements shall be made with a calibrated sound level meter in good operating condition.

2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.

3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

C. Definitions. As used in this chapter:

"Amplifying equipment" means public address systems, musical instruments, and other similar devices that are electronically amplified.

"City" means the city of Falls City, Oregon or the area within the territorial city limits of the city of Falls City, Oregon and such territory outside of this city over that the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provision, or any law.

"Commercial land use" includes land uses zoned commercial (C), historic commercial (HC) or any use of an office, service establishment, retail store, park, amusement or recreation facility, or other use of the same general type, whether publicly or privately owned.

"Construction" means any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.

"Continuous sound" means any steady sound with a deviation no greater than plus or minus two dBA of its mean, or total fluctuation of four dBA, during the period of observation when measured with a sound level meter set on fast response.

"Day time period" means seven a.m. until ten p.m. of the same day, local time.

"Domestic power tools" means any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.

"Emergency work" means work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.

"Industrial land use" includes land use zoned light industrial (LI), industrial (I), or any use of

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a warehouse, factory, mine, wholesale trade establishment or other use of the same general type, whether publicly or privately owned.

"Night time period" means ten p.m. of one day until seven a.m. the following day, local time.

"Noise sensitive areas" or "noise sensitive uses" includes property on that residential housing, apartment buildings, schools, churches, hospitals, and nursing homes are located.

"Off-road recreational vehicle" means any self-propelled land use vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini-bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for noncommercial purposes.

"Persons" means a person, persons, firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

"Plainly audible" means unambiguously communicated sounds that disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech that are distinguishable as raised or normal.

"Powered model vehicle" means any self-propelled airborne, waterborne, or land borne plane, vessel or vehicle, that is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

"Recreational park" means a facility open to the public for the operation of off-road recreational vehicles.

"Warning devices" means electronic devices used to protect persons or property from imminent danger including, but not limited to, fire alarms, civil defense warning systems, and safety alarms required by law. (Ord. 424 § 4 (part), 2002; Ord. 397 § 2, 1999)

Responsibility and authority.

A. Responsibility. The responsibility for enforcement of this chapter shall reside with the city council or their designee.

B. Authority. In order to implement this chapter and for the general purpose of sound abatement and control, the city council or their designee shall have in addition to any other authority vested with them, the following powers:

1. Planning: implement a noise control strategy in agreement with the city's zoning ordinance and comprehensive plan to:

A. Assure public and private enterprises do not adversely impact existing noise-sensitive properties and properties designated for noise sensitive use,

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b. Prevent the encroachment of noise-sensitive uses into high impact areas such as industrial zones and those immediately adjacent to major highways or arterials that is incompatible for such uses by virtue of existing or projected noise impacts;

2. Inspections: upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or record at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. Such inspection may include administration of any necessary tests;

3. Issue summons: direct the authorized representative of the City to issue summons, notices of violation or other legal orders to any person who allegedly violates any provision of this chapter;

4. Investigate violations: in accordance with all other provisions of this chapter, investigate and document violations and take necessary actions preparatory to enforcement. (Ord. 397 § 3, 1999)

8.04.040 Prohibited acts.

A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds that are listed in this section or Section 8.04.050.

B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:

1. Radios, Stereos, Boom boxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between ten p.m. and seven a.m. the following day, local time:

- a. Within a noise sensitive area of noise sensitive use that is not the source of the sound; or
- b. At a distance of one hundred (100) feet or more from the source of the sound.

2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.

3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.

4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of ten p.m. and seven a.m. the following day, local time, any motor vehicle

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with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater that exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.

6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.

7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.

8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) dBA at a distance of fifty (50) feet or more.

9. Explosives. The discharge of fireworks and other explosive devices except as authorized by the City Council.

10. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.

11. Animals. Owning, possessing or harboring any bird or other animal that barks, bays, cries, howls, or makes any other noise continuously for a period of ten minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.

12. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

13. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

14. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.

C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35 that are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder. (Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

Maximum permissible sound levels.

A. No person shall cause or permit sound(s) to intrude onto the property of another person that exceed(s) the maximum permissible sound levels set forth below in this section.

B. The sound limitations established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table I and apply after any applicable adjustment, also provided for herein, are applied. When the sound limitations are exceeded, it shall constitute

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excessive and unnecessary sounds and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds Table I for a cumulative total of greater than five minutes in any ten (10) minute period;
2. Any sound that exceeds Table I by five dBA for a cumulative total of greater than one minute, but less than five minutes in any ten (10) minute period;
3. Any sound that exceeds Table I by ten (10) dBA at any point in time.

Table I

Table of Maximum Allowable Sound Levels (in DBA) in any Ten (10) Minute Period

Type of Received by Use

Type of Source by Use	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

Exceptions

- A. Exceptions. The following sounds are exempted from provisions of this chapter:
1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
 2. Aircraft operations in compliance with applicable federal laws or regulations;

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3. Railroad activities as defined in Subpart A, Part 201 of Title 40, DFR of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
4. Sounds produced by sound amplifying equipment at activities permitted by the city;
5. Sounds created by the tires or motor to propel or retard any vehicle on the public right-of-way in compliance with ORS 815.025 and OAR Chapter 340 Division 35, incorporated herein by reference;
6. Notwithstanding Section 8.04.050(C), sounds created by refuse pickup operations during the operations during the period of four a.m. to ten p.m. local time;
7. Sounds created by domestic power tools during the period of seven a.m. to ten p.m., local time, provided sound dissipation devices on tools are maintained in good repair;
8. Sounds made by warning devices operating continuously for three minutes or less;
9. Idling motor vehicles with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater between the hours of seven a.m. to ten p.m., local time provided they are equipped with an exhaust system that is in good working order and in constant operation;
10. Construction activities during the period of seven a.m. to six p.m. local time (seven a.m. to eight p.m. during summer months of June through August), provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order.

Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance, or regulation relating to noise or sound. The provision of this chapter shall be deemed additional to existing legislation and common law on such subject.

Penalties.

A violation of any provision of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than five hundred dollars (\$500.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.

The city council, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

Section 26. NOTICES AND ADVERTISEMENTS.

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1. No person may affix or cause to be distributed any placard, bill, advertisement, or poster upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.
2. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.
3. No person, either as principal or agent, may scatter, distribute or cause to be scattered or distributed on public or private property any placards, advertisements or other similar material.

Section 27. DISABLED, INOPERABLE, ABANDONED OR STOLEN VEHICLES: VEHICLE PARTS.

1. No person owning an inoperable vehicle that is located on private property owned or controlled by that same person shall allow that vehicle to be exposed to public view for longer than is reasonably necessary to repair or dispose of it, and in no event longer than thirty (30) days unless it is in connection with a business dealing with junk vehicles lawfully conducted within the city.
2. The term 'inoperable' vehicle, as used in this section, means a vehicle capable of being towed that:
 - a. Has been located for more than thirty (30) days on private property owned or controlled by the person with legal title to the vehicle; and
 - b. Has been extensively damaged, including, but not limited to, a broken window or windshield, missing wheels, tires, motor, or transmission; and
 - c. For the purpose of this section, a showing that the vehicle, if operated on a public highway or highway right-of-way of this state, would be in violation of three or more of the provisions of ORS chapters 815 and 816, is indirect evidence that the vehicle is inoperable.
 - d. For the purpose of this section, an inoperable vehicle shall not be considered exposed to public view if the vehicle is entirely covered..
 - e. Tagging of an inoperable vehicle shall be done in the same manner as for disabled, abandoned and stolen cars as provided in subsection (4) (~~4~~) herein; such tag shall constitute posting of notice of the purpose of abatement under section 29 herein. Only the owner of an inoperable vehicle as defined in this section is entitled to the abatement notice and appeal procedure set forth in sections 29 and 30 herein with respect to any violation of this section.
 - f. Not more than two covered inoperable vehicle may be located on private property owned or controlled by the person owning the vehicle, unless the owner has

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applied for and been granted by the council an exception for a 'classic' vehicle. For the purposes of this section, such classic vehicle shall be at least 20 years old and have significant intrinsic value over and above its salvage value. The council's decision may be made in conjunction with any protest to abatement. The decision by the council regarding a vehicle shall be final. If the decision is not in favor of the appellant, the vehicle in question shall be deemed 'disabled' ten (10) days after the decision. A vehicle registered with the Department of Motor Vehicles as an antique vehicle shall be deemed to be a classic vehicle for the purpose of this section. Not more than two covered classic vehicles may be stored on private property owned by the person owning the vehicles, unless such vehicles are stored in an area designated for classic vehicle storage after appropriate land use proceedings and public hearings. Any inoperable or classic vehicle, covered or uncovered, exceeding the number allowed under this subsection shall be deemed disabled.

3. For the purpose of this section, a vehicle that would otherwise be defined as inoperable except that legal ownership cannot be established by the person owning or controlling the private property where it is located shall be deemed a 'disabled' vehicle subject to the provisions of ORS chapter 819 and subsection (4) herein.
4. It shall be unlawful for a disabled, abandoned or stolen vehicle to remain located on public or private property within city limits for more than 24 hours. Disabled, abandoned and stolen vehicles on public or private property may be tagged and towed after 24 hours by the chief of police pursuant to the provisions of ORS chapter 819, subject to the policies adopted by Resolution of the council, as may be amended from time to time. The hearing and appeal procedures contained in ORS chapter 819 and those policies shall be the only appeal procedures available for this violation; the abatement procedures in section 30 and 31 herein shall not apply to disabled, abandoned and stolen vehicles. Disabled vehicles shall be garaged or removed outside the city limits within 24 hours; changing the location of a disabled vehicle inside city limits shall not prevent the towing of such vehicle unless garaged. Any vehicle, that has been tagged two previous times within the same 14-day period, may be tagged and towed immediately upon the third violation in such 14-day period.
5. No person shall store partial vehicles, engines, transmissions, wheels, tires or other parts of vehicles on private property exposed to public view, whether or not covered. Such items located on public property, public streets, or public rights-of-way, whether or not developed or improved, may be abated by the city ten (10) days after an abatement notice is posted. Items of trash, junk or other debris, that are not vehicle parts, may be abated from such public property five (5) days after an abatement notice is posted. However, any items on such public property, that constitute an immediate health or safety hazard, may be summarily abated pursuant to Section 34 herein, including partial vehicles and vehicle parts.

Section 28. DECLARATION OF NUISANCE, GENERAL NUISANCE.

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(1) The acts, conditions, or objects specifically enumerated and defined in this Ordinance are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 30 through Section 34 of this Ordinance.

(2) In addition to those nuisances specifically enumerated within this Ordinance, every other thing, substance, or act that is determined by the council to be injurious or detrimental to the public health, safety, or welfare of the city is hereby declared to be a nuisance and may be abated as provided in this Ordinance.

ABATEMENT PROCEDURE

Section 29. ABATEMENT NOTICE.

(1) Posting. Upon determination by the Council that a nuisance as defined in this or any other ordinance of the city exists, the council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

(2) Notice to owner. At the time of posting, the Authorized Representative shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or/and person in charge of the property at the last-known address of such owner or other person. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

(4) Notice – Contents. The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on that such nuisance exists.

(b) A direction to abate the nuisance within ten (10) days from the date of the notice.

(c) A description of the nuisance.

(d) A statement that unless such nuisance is removed the city may abate the nuisance and the cost of abatement shall be a lien against the property.

(e) A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the Authorized Representative within ten (10) days from the date of the notice.

(5) Certificate of Mailing and Posting. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

(6) Sufficiency of Posted Notice. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner as listed with the Polk County Assessors Office and the City utility department to the address of record. shall not make the notice void and in such a case the posted notice shall be sufficient.

Section 30. ABATEMENT BY THE OWNER - Property Owner's Responsibility to Act.

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- (1) Within ten (10) days after the posting and mailing of the notice as provided in Section 29, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.
- (2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.
- (3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.
- (4) If the council determines that a nuisance does in fact exist, the owner or other person shall within ten (10) days after such council determination abate such nuisance.

Section 31. ABATEMENT BY THE CITY.

- (1) If within the time allowed the owner or person in charge of the property has not abated the nuisance, the council may cause the nuisance to be abated.
- (2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

Section 32. ASSESSMENT OF COSTS.

- (1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:
 - (a) The total cost of abatement including the administrative overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid thirty (30) days from the date of the notice.
 - (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.
- (2) Objections to Assessment. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- (3) City liens. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by

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resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.

(4) Lien enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.

(5) Assessment error. An error in the name of the owner of the property as listed with the Polk County Assessors Office and the City's utility department, shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(6) Recovery of Public Costs for On-site Assessment and Clean Up of Property Declared Public Health Nuisance.

(a) If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean up, the Authorized Representative is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(b) If the city is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(c) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Oregon Revised Statutes Chapter 475.

(d) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25 percent of the costs for administration. The city may recover costs by civil action against the person or persons who own the property.

GENERAL

Section 33. SUMMARY ABATEMENT. The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances. The Authorized Representative or such other persons as the City Council may designate, may proceed to abate a health or other nuisance that unmistakably exists and from that there is imminent threat or danger to human life or property.

(1) The cost of such summary abatement shall be assessed against the owner of the real property on that the nuisance exists, shall be a lien against the real property and may be enforced and collected by the same procedures set forth in this Ordinance for abatement.

(2) Abatement Notice of Imminent Threat.

a. Upon determination by the City Council that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City as

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defined in this or any other Ordinance of the city exists, the Authorized Representative, or their designated representative, shall forthwith issue a citation to the property owner who, in the opinion of the Authorized Representative, are determined to be in violation of this Ordinance.

- b. At the time of issuing a citation as set forth above, the Authorized Representative shall contact the Mayor, and in their absence, the Council President, and discuss the issuance of any citation issued by the Authorized Agent, or the Council's designated representative under this Ordinance.
- c. The citation of nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City shall contain:
 - a. Reference to the Section of this Ordinance being violated and a description of the imminent threat.
 - b. A description of the location upon that the violation occurred that may be a street address, a street name between intersecting streets, an approximate distance from a known point of reference, or otherwise, at or on that such imminent threat to the public health, safety or property of the residents of Falls City exists.
 - c. The month, day, year and time of day of the citation.
 - d. A direction to remove the imminent threat to the public health, safety or property of the residents of Falls City within two (2) hours from the time of issuance of the citation.
 - e. A statement that unless such imminent threat to the public health, safety or property of the residents of Falls City is removed within two (2) hours after citation, the city will abate the nuisance and cost of abatement shall be a lien against the property.
 - f. A statement that the person or person in charge may protest the citation and action by giving notice to the Authorized Representative within two (2) hours from the time of citation.

(d) An error in the name or address of the property owner as listed with the Polk County Assessors Office and the City's utility department, shall not make the citation void, and in such a case, the citation shall be deemed sufficient.

(3) Abatement by the Owner of Imminent Threat.

(a) Within two (2) hours after citation as provided in Section 29, subsection (2), the property owner, as listed with the Polk County Assessors office and the City's utility department shall remove and abate the nuisance or protest that no nuisance exists.

(b) The property owner violating this Ordinance shall file with the Authorized Representative a written statement that shall specify the basis for contending that no nuisance exists.

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(c) The statement shall be referred to the Authorized Representative during the first regular business day after receipt by the Authorized Representative, and the Authorized Representative shall advise the Mayor of such statement.

(d) The Mayor shall refer the statement to the council at a special council meeting to be posted and held within three (3) regular business days of filing of the statement with the Authorized Representative. At the time set for the consideration of the abatement, such person or person in charge may appear and be heard by the council, and the council shall, based upon the evidence presented, thereupon confirm whether a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exists and such confirmation shall be entered in the official minutes of the council.

(e) Upon council confirmation that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exist, the person or person in charge, violating this Ordinance shall within two (2) hours after such council confirmation or two (2) hours after daylight of the next succeeding day, that ever is later, shall remove or abate such nuisance.

(4) Abatement by the City of Imminent Threat.

(a) If within the time fixed, as provided in this Ordinance, the property owner has not abated the nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City, the common council shall cause the imminent threat to be abated.

(b) The Authorized Representative shall maintain an accurate record of the expense incurred by the city in abating the imminent threat and shall include therein an overhead charge of fifteen (15) percent of the total cost for administration.

(c) The total cost, including the administrative overhead, shall thereupon be assessed to property of the person or person in charge as they may own in the City, whether or not said property shall be in the location of the violation of this Ordinance or not, in accordance with procedures set forth in Section 32.

(d) If the person or person in charge does not own property in the City, the City shall file a civil action or suit to enforce the collection of the total cost, including the administrative overhead, as set forth in the resolution described in Section 33, in the appropriate court within Polk County.

Section 34. APPLICATION OF ORDINANCE. The procedure provided by this Ordinance is not exclusive but is in addition to procedures provided by other city ordinances.

Section 35. VIOLATION – PENALTIES. Violation of Sections 3 through 28 shall be punishable upon conviction by a fine not to exceed \$500.00 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense. Upon the Municipal Court Judge's judgment "Final Judgment" or the issuance of a "Default Judgment" for failure to request a hearing regarding an ordinance violation, additional fines may be assessed at a rate not to exceed \$1000.00 per day for each day an ordinance violation continues. Documentation of a continuing violation may consist of photographic and supplemental reports. The Municipal Court Judge

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shall have discretion to revise upward or downward to fines based on such factors as non-compliance, partial compliance or acceptance of a court ordered compliance agreement . A continuing offense and subsequent proposed fine “Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may also result from failure to comply with a City Ordinance following the receipt of an official “Warning Letter”.

(1) The penalties imposed by this Ordinance are not exclusive and are in addition to any other remedies available under city ordinance or state statute.

(2) The abatement of a nuisance in accordance with the procedure set forth in Section 30 of this Ordinance within ten (10) days after being cited for violation of this Ordinance as set forth in Section 29 of this Ordinance shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

(3) The abatement of a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in accordance with the procedure set forth in Section 28, Subsection (3) of this Ordinance within two (2) hours after being cited for violation of this Ordinance as set forth in Section 28, Subsection (2) of this Ordinance, shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

4. A “ Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may be issued to violators of City Ordinance in lieu of a citation. Violators/Respondents will be given 21 days in which to request a hearing. The Municipal Court of Falls City will hear all cases in a timely manner. A “Final Judgment” will be issued detailing the court’s ruling and will be mailed to the Violator/Respondent. Should the Violator/Respondent fail to request a hearing within 21 days a “Final Judgment” will be issued as a “default and Final Judgment”.

5. All “Penalties/Fines” resulting from a final judgment or a “Default Final Judgment” will be due and payable to the City of Falls City, Oregon together with interest at 9% per annum.

6. NOTICE OF APPEAL RIGHTS: In accordance with ORS 221.359 whenever any person is convicted in the municipal court of any offense defined and made punishable by any city charter or ordinance, such person shall have the same right to appeal to the circuit court as pertains to justice courts. The appeal shall be taken and perfected in the manner provided by law for taking appeals from justice courts, except that in appeals taken under ORS 221.359 and ORS 221.360, 221.380, ORS 221.390. Any notice of appeal shall be served upon the City Attorney. (all appeals shall be filed within 30 days of the issuance of a “Final Judgment” or “Default Final Judgment”.

7. If unpaid, civil penalties will be recorded by the City Recorder in the Municipal Lien Docket and filed with Polk County, County Clerks’ office as a lien against property ten days after the statutory period.

8. All liens shall be enforced in the same manner as liens for street improvements.

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9. An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void but it shall remain a valid lien against the property.

Section 36. SEPARATE VIOLATIONS.

- (1) Each day's violation of a provision of this ordinance constitutes a separate offense.
- (2) The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

Section 37. SEVERABILITY. The sections and subsections of this ordinance are severable. It being the intent of the City Council to enact this Ordinance, notwithstanding any parts declared invalid or unconstitutional, if any section, subsection, paragraph, or provisions of this Ordinance is so declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or invalidate the remaining portions of this Ordinance.

Section 38. EMERGENCY CLAUSE. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of Falls City, Oregon, an emergency is hereby declared to exist, and this ordinance and sections 4, 5, and 6 (as stated below) shall be in full force and effect immediately upon its passage by the City Council.

(Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

CHAPTER 91: STREETS AND SIDEWALKS

Section

General Provisions

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|-------|--|
| 91.01 | Public rights-of-way |
| 91.02 | Temporary closures |
| 91.03 | Street exhibitions, community events, and the like |
| 91.04 | Driveway culverts |

Construction, Improvement, and Repair

- | | |
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| 91.15 | Definitions |
| 91.16 | Initiating improvement |
| 91.17 | City Council action on report |
| 91.18 | Resolution of intent to create improvement district |
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| 91.21 | Public hearing |

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AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE, THROUGH MAYOR UNGRICHT
SUBJECT: ORDINANCE 542-2016, AN ORDINANCE ASSIGNED AN ADDRESS NUMBER FOR A RESIDENTIAL STRUCTURE
DATE: 09/19/2016

SUMMARY

The City approved a Building Permit Application for a new Manufactured Structure for a vacant lot at the corner of West Blvd and the undeveloped section of Chamberlain Road. The lot measures 178' (West Blvd) by 263' (Chamberlain Road). Falls City Zoning and Development Ordinance 1.202.02 Definitions defines the "front" of the lot as the short lot line on a corner lot, which in this case is West Blvd.

An address of 505 West Boulevard is recommended.

Exhibit B – Polk County Web Map of Area noting surrounding addresses

BACKGROUND

In May 2016 the City of Falls City approved a lot line adjustment to combine legal lots of record 5, 6, 7 and 8 into one new lot of record measuring approx. 42,008 square feet on property referenced by the Polk County Assessor's Map Number as Tax Lot 1801 of Map 8S6W21CB. The plot map was recorded on 9/6/2016. The Building Permit for a manufactured home was approved on 9/16/2016.

Local Governments control house numbering. Numbering standards in the United States: odd numbers are on one side and even numbers on the other. Falls City has "grid" street naming system in much of the town. In many cases, Falls City numbering has been done by lot of record within blocks.

PROCEDURE TO ADOPT AN ORDINANCE

Falls City Charter Section 16. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council after reading of the ordinance at two meetings.
- b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.**
- c) Any of the readings of an ordinance may be by title, only, unless a councilmember present at the meeting requests to have the ordinance read in full.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

Should City Council want a different house number a new Ordinance would be brought before Council at the next City Council Meeting.

STAFF RECOMMENDATION

Staff recommends the City Council adopt Ordinance 542-2016, An Ordinance assigning an address number for a residential structure; and declaring and emergency.

If City Council adopts this Ordinance City Hall will notify the Postmaster, our local Post Office, Polk County Elections, Polk County Community Development, Polk County Public Works, Polk County Assessor, Polk County Sheriff Office, our City Planner at Council of Government, Falls City Volunteer Association, Falls City Public Works, Willamette Valley 911, Century Link & Pacific Power.

EXHIBIT

Exhibit A - Ordinance 542-2016

Exhibit B – Polk County Web Map of Area noting surrounding addresses

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Ordinance 542-2016, An Ordinance assigning an address number for a residential structure; and declaring and emergency.

ORDINANCE NO. 542-2016

AN ORDINANCE TO ESTABLISH A NEW ADDRESS FOR A VACANT LOT; AND DECLARING AN EMERGENCY.

WHEREAS: There was generated a need, because a Lot Line Adjustment 2016-01 (LLA 16-01) to consolidate property lines between legal lots of record 5, 6, 7, and 8 into one new lot of record was approved on May 10, 2016 and recorded September 6, 2016. Exhibit A.

WHEREAS: There was generated a need, upon the approval of a building permit for a primary structure on Map 8621CB, Tax Lot 1801.

WHEREAS: It was determined that in order to better serve the health, safety and welfare of the citizens of Falls City, it is necessary to adopt an ordinance that will change the house number for the residential structure, in order to assist emergency service agencies, the United States Postal Service and the public in the timely and efficient provision of services to residents and businesses of Falls City.

WHEREAS: Falls City Fire Department, the Post Office and the City have agreed to the assignment of the new addresses and the confirmation of an existing address.

WHEREAS: The City Council has the authority to assign or change address numbers on streets within the city.

The City of Falls City ordains as follows:

Section 1. That the new residential structure located on Map 8621CB, Tax Lot 1801 in Falls City, Oregon be, and it hereby numbered 505 West Boulevard.

Section 2. For all residential uses, the front of the home shall face the street on which the address will be placed. Minimum six-inch high reflective address numbers shall be at the front of the main building or at the driveway access (Falls City Zoning and Development Code 2.101.09).

Section 3. All prior and conflicting ordinances are hereby repealed.

Section 4. This ordinance being necessary for the peace, health and safety of the people of Falls City, an emergency is hereby declared and this Ordinance shall take effect upon final passage by the council.

READ FIRST AND SECOND TIME, AND PASSED AND ADOPTED by the Common Council of the City of Falls City this _____ day of _____, 2016.

AYES: _____ NAYS: _____ ABSTAIN: _____

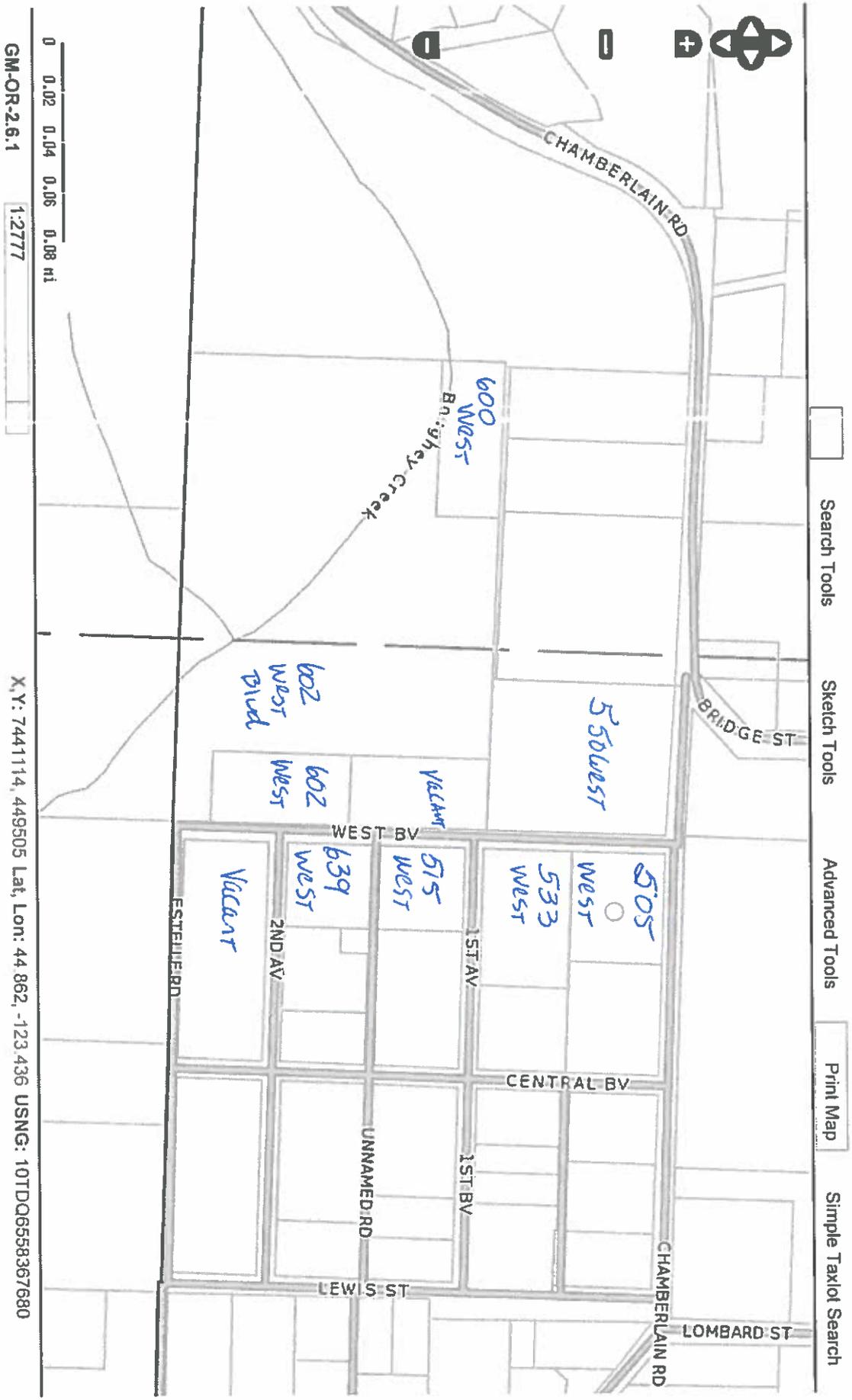
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Terry Ungricht, Mayor

ATTEST _____
Domenica Protheroe, City Clerk

Exhibit B

Disclaimer 45



AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: JOINT COUNCIL/SCHOOL BOARD LIBRARY MEETING
DATE: 10/05/2016

SUMMARY

The Falls City Council and Falls City School Board have agreed to meet quarterly to explore ideas to finance the Falls City Public Library. The last meeting was hosted by the School Board on September 26, 2016 and the next joint meeting will be hosted by the City Council on December 8, 2016 at the Community Hall, time to be determined.

BACKGROUND

At the joint meeting we discussed researching an operational levy or forming a Library District. At the Library Board meeting on October 4, 2016 these issues were discussed and Mayor Ungricht volunteered to start the research by contacting the County Assessor and County elections clerk, following up on the discussion that Librarian Rommel had with them.

I talked with Valerie Unger, the elections clerk, about a district. She has never been part of forming a new Library District and would have to review the regulations, she was clerk when the extension/4H district was formed and advised trying to connect with an organizer of that District for information. She did say that she thought the District would need to cover costs of an election, since it would be a new governing body. She was not sure if this would have to wait until the 2018 General election or if it could be placed on a May election.

I then contacted the Assessor's office and Mr. Schmidt was not in, but I was able to get a partial map of the school district, exhibit 1. I will follow up with an email requesting how much of a levy it would take to raise \$10,000 on both the area of the City and School District, if it is possible to get addresses for each property owner in the City/District, and if he would be willing to attend the December joint meeting.

I then researched ORS-357, Library Districts, exhibit 2, and briefly looked at ORS 198.705 to 198.955 and ORS 357.216 to 357.286. From my brief review, it looks like this would have to be organized by a citizen group that would form and elect officers. They would have to raise funds to cover the cost of organizing, advertising, and associated fees to put the issue on the ballot. The County would have to be involved. There would be a lot of procedures that an interested citizen group would have to learn and follow. Without a strong Library advisory Board, which I see as the organizing entity, these tasks will be very hard to accomplish.

A City or School District Levy would be easier and less costly to get onto the ballot and we could do it through either of the governing bodies already established. But as was discussed this would be a temporary solution, it would have to be put forth to the voters a minimum of every 5 years. Whatever governing body that put the

issue on the ballot would be required to budget and administer the levy funds. I have attached the guide for tax election, ballot measures, and exhibit 3.

The above information is a working procedure guideline; I do not guarantee all of the information to be correct. It will take time to get all of the answers and it is my hope that citizens accomplish the research through the Library Advisory Board.

PREVIOUS COUNCIL ACTION

Joint meetings with School Board

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

We are worried of the requirements, under the Council /School Board preferred option, of forming a District. This would have to be done by a citizen group or the Library Advisory Board, it would be very time consuming for volunteers to learn all of the procedures, raise funds, promote the district, and get onto the ballot.

EXHIBIT

Exhibit 1 – Partial School District Map.

Exhibit 2 – ORS Chapter 357 Library District.

Exhibit 3 – Tax Election Ballot Measures Guide.

PROPOSED MOTION

N/A

Exhibit 2

Oregon Revised Statutes

Chapter 357 - Libraries; Archives ; Poet Laureate

LIBRARY DISTRICTS

357.221 District formation; petition requirements.

(1) A library district may be created as provided in ORS 198.705 to 198.955 and 357.216 to 357.286.

(2) In addition to other required matters, a petition for formation of a district shall state the method of election of the board of the proposed district from among the methods described in ORS 357.241.

357.223 Multicounty district formation; procedure.

(1) In addition to other methods for formation of a district authorized under ORS chapter 198 and ORS 357.216 to 357.286, the governing body in each of two or more counties may initiate the formation of a multicounty district, to be located entirely within those counties, by an order setting forth:

(a) The intention of the county governing body to initiate the formation of a district and citing the principal Act.

(b) The name and boundaries of the proposed district.

(c) The date, time and place of a public hearing on the proposal.

(2) The orders issued under subsection (1) of this section must be substantially similar, set forth the same name and boundaries for the proposed district and be issued within a 90-day period.

(3) Each county governing body issuing an order under this section shall hold a public hearing on the proposal.

(4) After the public hearings held by each county governing body, further hearings and the election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825 except that:

(a) Hearings shall be conducted by the governing body of the principal county involved in the proposed formation; and

(b) Notwithstanding ORS 198.810 (3), the governing body of the principal county shall provide by order for the holding of an election to submit to the electors registered within the proposed district the question of forming the district.

(5) As used in this section, "principal county" has the meaning given that term in ORS 198.705.

Exhibit 3

Tax Election Ballot Measures

A Guide to Writing Ballot Measures for Property Taxing Authority



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Chapter 1—General information

Local governments are authorized by the Oregon Constitution and Oregon Revised Statutes (ORS) to ask their voters for certain types of property taxing authority. Such a request is referred to the voters in an election by means of a ballot measure. This booklet will help you write the ballot measure and determine which election date to choose.

Elections Division

The Oregon Secretary of State Elections Division administers the laws governing the conduct of elections in Oregon and provides a series of election manuals and associated forms, including the *County, City, and District Referral Manual*. This manual provides current election dates and a calendar showing the final filing dates for various types of elections. It is available from the Elections Division website, www.oregonvotes.gov, or by calling 503-986-1518.

Manuals and forms are also available from the county clerks, who serve as the county election officers. Your county clerk can answer most questions about the conduct of elections.

All tax elections must be conducted through the county elections office. A local government (also called a taxing district throughout this manual) wishing to submit a ballot measure must provide the appropriate measure election notice to the county elections office by the filing date. The notice includes the election date and the ballot title. For county and city measures any ballot title submitted must be final and the challenge period complete. The ballot title for a district measure will be finalized after the measure is filed with the county elections official. After receiving a district measure, the clerk will publish a notice of election in the newspaper. The notice will include a statement that a voter may file a petition for review of the ballot title. If there is no challenge to the ballot title, or if there is a challenge, but the Circuit Court certifies the ballot title, the clerk assigns a measure number.

Department of Revenue

The Oregon Department of Revenue administers the laws governing property taxes. The department provides manuals, such as this one, and administrative rules to assist local governments in complying with the law.

A tax ballot measure must meet the requirements of all election and taxation laws. If a voter-approved

measure fails to meet the requirements of law, the Department of Revenue may void part or all of the tax (ORS 310.070).

Your questions about taxing authority, tax ballot measure language, and local budget law can be answered by the analysts in the Finance, Taxation, and Exemptions unit, Property Tax Division. You can call, write, or email any of the analysts. Information on how to contact them is in Appendix A.

Election dates for tax purposes (ORS 203.085, 221.230, 255.345, 280.070)

1. Second Tuesday in March.
2. Third Tuesday in May.
3. Third Tuesday in September.
4. First Tuesday after the first Monday in November.
5. Primary—Third Tuesday in May of even numbered years.
6. General—First Tuesday after the first Monday in November of even numbered years.

Tax election dates when forming a new special district or city with a permanent rate limitation (ORS 198.815, 221.040)

An exception to the four election dates stated above is when a ballot measure proposes formation of a new special district or city with a permanent rate limitation.

Measures for city formation with permanent rate authority must be at a primary or general election. Measures for special district formations with permanent rate authority must be at any May or November election.

“Double majority” election dates

Article XI, sections 11(8) and 11(k), of the Oregon Constitution provide that a property tax measure submitted for approval or rejection at a May or November election, may be approved by a majority of the voters voting affirmatively for the measure. A property tax measure submitted at a March or September election may only be approved if at least 50% of registered voters eligible to vote in the election cast a ballot and

if a majority of the voters vote affirmatively for the measure.

Emergency elections

Oregon law allows emergency elections to be held under extraordinary circumstances. The following laws give the specific requirements:

- County emergency elections, ORS 203.085(3);
- City emergency elections, ORS 221.230(3);
- Special district elections, ORS 255.345(2);

- Schools, ESDs, and community colleges, ORS 255.345(2).

Contact your county elections officer for filing and notification requirements.

Initiative or Referendum Petition

With the exception of emergency elections, an election on a county, city, or district measure other than a measure referred by the governing body of the county, city, or district must be held in May or November (ORS 203.085, 221.230, and 255.185).

Chapter 2—Elections and budgets

The tax election process is not tied directly to the local budget process. However, the two processes are closely coordinated. Voters can be asked to approve taxes **before** the budget process begins, **during** the budget process, or **after** the end of the process.

Voter approval of a tax rate or tax dollar amount sets an upper limit on taxation. An approved ballot measure does not require a taxing district to impose the full rate or amount of tax. The district establishes the need for the tax through the budget process. If the budget for the coming year requires less tax than the voters approved, a lower tax levy may be imposed.

The budget committee may approve any proposed taxes as part of its approval of the budget. The proposed new taxes should be approved even if the election has not yet been held. The amount of tax certified to the county assessor can always be less than the amount approved by the budget committee, but not more, unless additional budget process steps are taken.

For more information on Oregon's local budget law, refer to the *Local Budgeting Manual* or contact the Department of Revenue Finance, Taxation, and Exemptions unit.

First tax year a levy is imposed

The first tax year in which a tax can be imposed may influence which election date you choose. The tax year is July 1 through June 30. Taxes that are approved in the November, March, and May elections can first be imposed the following tax year. For example, a local option tax approved by voters in May 2016 can first be imposed in the tax year beginning July 1, 2016. The district would begin receiving distributions of the revenue in November 2016. A tax approved in November 2016 can first be imposed in the tax year beginning July 1, 2017 with distributions beginning in November 2017.

Local option tax election in September

The governing body must enact a resolution or ordinance by June 30 adopting the budget and making appropriations. When your taxing authority has not

been finally determined by June 30 because of a tax election scheduled in September, the governing body has a choice. They can include the estimated revenue from the proposed new tax in the budget and appropriate it. If the revenue is not included in the budget and the September measure passes, the governing body must adopt a supplemental budget after the election to add that revenue to the budget and appropriate it.

On the other hand, if the funds from the levy are included in the budget adopted before June 30 and then the measure fails, no action is required, although the governing body may approve a supplemental budget to reduce the budget requirements to balance with the lower tax revenues.

If proposing a tax in a September election, the governing body must submit a written request to the assessor for an extension of the July 15 deadline for certifying property taxes. The assessor may grant an extension until after the election. If the district extends into more than one county, the district must request this extension from the assessor of each county in which it is located.

After the election, if the new local option tax was not included in the adopted budget, the governing body must adopt a resolution or ordinance to impose the tax and categorize the levy amount or rate as provided in ORS 310.060. File two copies of this resolution, two copies of the tax certification (Form LB-50 or ED-50), and two copies of the successful ballot measure with the assessor by the extension date.

Note that the September election is on the third Tuesday of the month. The assessor can only grant an extension to certify taxes until October 1 at the latest. If the election results are challenged or there are other delays in determining the election results, you may run out of time to certify before the deadline and forfeit a year of your taxing authority. You may want to consider this possibility before scheduling your measure for a September election.

Another potential drawback is that a September election is still subject to the "double majority" requirement of Article XI, section 11(8). You may want to consider submitting your measure in a May or November election instead, since those dates require only a simple majority of "yes" votes.

Chapter 3—Types of property taxes

Both the Oregon Constitution and Oregon statutes limit the amount and type of tax a local government may impose. Two types of ad valorem¹ property taxes are available to most types of taxing districts if approved by the voters of the district:

- Taxes within a permanent rate limitation, and
- Local option taxes².

In addition, some types of districts may also ask their voters to approve general obligation bonds for capital construction or improvements. Approval of such bonds carries with it the authority to levy ad valorem property taxes to pay the debt service on the bonds.

Permanent rate limitation

The Constitution allows a local government to annually levy within its permanent rate limit the amount of property taxes generated when that rate is applied to the assessed value of the district.

A permanent rate is an ad valorem property tax rate limit expressed in dollars per thousand of assessed value (for example, \$1.50 per \$1,000). Once a permanent rate is established, no action of the district or its voters can increase or decrease this limit. A district may impose a levy each year, up to its limit, without additional voter approval. A district may also levy less than its limit in a given year without affecting future utilization of the full rate limit.

Generally, only new districts or districts that have never imposed a property tax (other than a bond levy) can seek voter approval of a permanent rate limit. However, a new district or one that has not previously obtained voter approval for permanent rate authority may ask voters to approve a local option tax and then at a later date request voter approval of a permanent rate limit. A district may ask for only one permanent rate limit.

Local option taxes

When a district has no permanent rate or when the permanent rate does not provide enough revenue to meet estimated expenditures, the district may ask voters to approve a local option tax.

1 "Ad valorem" means according to value. The ad valorem tax on a property is computed by multiplying a tax rate by the property's value.

2 Education service districts may not ask for local option taxing authority.

Local option taxes can be used for general or specific purposes. Local option taxes used for general operating purposes can be imposed from one to five years.

Local option taxes used for capital projects may be imposed for the expected useful life of the capital project or 10 years, whichever is less.

"Capital project" is defined in statute [ORS 280.060(3)(b)]. It includes:

- Acquisition of land to construct an improvement;
- Acquisition of buildings;
- Acquisition or construction of improvements;
- Acquisition or construction of additions to a building that increase its square footage;
- Construction of a building;
- Acquisition and installation of machinery and equipment which will become an integral part of a building; or
- Purchase of furnishings, equipment, or other tangible property with an expected useful life of more than one year.

Determining the expected useful life of a capital project is not complicated when only one type of capital project is to be financed by the local option tax. However, if the proposed local option tax is to pay for different types of capital projects with different expected useful lives, then the following formula is used to determine the maximum number of years the local option tax can be imposed.

$$\text{Average useful life} \times \text{Cost} = \text{Weight}$$

$$\frac{\text{Total weight}}{\text{Total cost}} = \text{Maximum years allowed for tax}$$

Example:

Item	Cost	Useful life	Weight
2 computers	\$10,000	2 yrs.	20,000
2 cars	80,000	5 yrs.	400,000
Rewiring	50,000	15 yrs.	750,000
Totals	\$140,000		1,170,000

$$\frac{1,170,000}{140,000} = 8.35, \text{ rounded down to 8 yrs.}$$

The maximum time that this local option tax can be imposed is eight years. Standard rounding is used.

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If the local option tax is to be used for the combined purpose of operating and capital projects, it can be imposed for no more than five years.

Local option taxes can be in the form of a rate per \$1,000 of assessed value or in the form of a dollar amount of tax. When voters approve a rate, then no more than that rate can be imposed each year throughout the period of time that the tax is authorized. When the voters approve a dollar tax amount, then no more than that amount may be imposed each year throughout the life of the tax [ORS 280.060(1)].

An advantage of a local option tax in the form of a rate per \$1,000 of assessed value is that the revenue from the levy can increase over time if the value of the property in the district increases. However, revenue could also decline if the value decreases. An advantage of a dollar amount local option is that the amount is fixed, and the assessor will adjust the rate imposed as necessary to raise that amount, even if the value in the district decreases.

When writing a local option ballot measure, consider the dollar amount you need when determining the amount or rate you request from voters. A local option, when levied, will not be fully realized. The amount actually collected will be reduced by:

- Loss due to discounts;
- Uncollected taxes; and
- Possible Measure 5 compression.

The estimate of these losses should be added to the dollar amount needed from the local option to determine the final dollar amount or rate stated in the ballot measure. Your county assessor can help you to estimate these amounts.

Measure 5 limits

Measure 5 (1990) created limits on the amount of operating tax that can be imposed on each property. The limits are \$5 per \$1,000 of real market value for education and \$10 per \$1,000 of real market value for general government purposes. If properties within your district have reached or are close to the Measure 5 limits, the first taxes reduced (“compressed”) to meet the limits are any local option taxes. In extreme situations, your entire local option tax levy could be

eliminated to bring taxes within the Measure 5 limits [ORS 310.150(5)].

See the *Frequently Asked Questions* section for a method of estimating whether there is room under the Measure 5 limit to impose a local option tax.

Taxes for bonds

Cities, counties, and some types of special districts are authorized by statute to ask their voters for permission to issue general obligation bonds. To determine whether your district can ask for bonds, consult the primary enabling chapter of the Oregon Revised Statutes for your type of district. When voters approve general obligation bonds for capital construction or improvements, they are giving the local government the authority to levy property taxes each year to pay the principal and interest on the bonds.

Ballot questions requesting approval of bonds must include this statement directly after the question:

“If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution” [ORS 250.037(1)].

The ballot title summary must contain a reasonably detailed, simple, and understandable description of the use of the bond proceeds [ORS 250.037(3)].

This manual does not include complete information on writing ballot measures for bonds. Consult the bond counsel that assists you in structuring your bond sale for more information on writing the measure.³

³ ORS 251.345 Explanatory statement. Not later than the date specified by the Secretary of State, in a county that prepares a county voters' pamphlet, the governing body for any electoral district that has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect.

(These statements are limited to 500 words. The county clerk will reject any referred measure submitted without an explanatory statement [OAR 165-022-0040])

Chapter 4—Ballot titles

All tax ballot titles have a common format.

1. **Caption:** 10-word limit. This is a title identifying the subject of the measure. The name of the district and dollar amounts are **not** included in the caption.
2. **Question:** 20-word limit. The question asks voters if they will allow the district to impose a dollar amount of tax or a tax rate. It must be stated so that it can be answered “yes” or “no.”

In addition, a “yes” response must mean that voters approve the measure, while a “no” response must mean they do not approve.

Except for general obligation bond measures, the question must contain the **amount of property tax in dollars and cents or the tax rate per \$1,000 of assessed value** being requested and the **first fiscal year** the tax will be imposed. For local option tax measures, it must include the **purpose of the tax**, such as operating or capital project, and the **number of years** that the tax will be imposed (OAR 150-280-075).

The word “district” can be substituted if the full name of the local government is in the ballot title summary (OAR 150.280.075).

The following statement is required directly after the question for new local option taxes: “This measure may cause property taxes to increase more than three percent.” This statement is not included in the 20-word limit [ORS 280.070(4)].

If the measure asks voters to renew a currently existing local option levy, this statement is required instead: “This measure renews current local option taxes.” This statement is not included in the 20-word limit (ORS 280.075).

A measure renews a current local option tax if it is for substantially the same purpose and asks for a rate or amount that is equal to or less than the current rate or amount.

3. **Summary:** 175-word limit. The explanation is in plain, factual, and nontechnical language. It describes the specifics of the question without advocating a “yes” or “no” response to the question.

Unless the election is held in May or November, **the first sentence of the summary must be the following statement:** “This measure may be passed only at an election with at least 50 percent voter turnout.” This statement is not included in the 175-word limit.

For local option taxes, the summary must include the **total amount of tax** to be raised by the measure. If the local option tax is in the form of a rate, the summary must also give an estimate of the **amount of tax to be raised in each year** in which the tax will be imposed. This statement is not included in the 175-word limit [ORS 280.075(2)].

If you are asking for approval of a fixed-dollar local option tax, you may include the estimated rate per \$1,000 of assessed value that is expected from the tax amount requested. This is optional. It allows voters to more easily figure how the new taxes will affect their property. To determine the rate, divide the amount requested by the total assessed value in the district, then multiply by 1,000. For example, if you are asking for a tax amount of \$100,000 and the assessed value in your district is estimated at \$50,000,000, the estimated rate would be \$2.00 per \$1,000 of assessed value.

If the estimated rate for a fixed-dollar levy is given in the summary, you must include the following statement: “The estimated tax cost for this measure is an **ESTIMATE ONLY** based on the best information available from the county assessor at the time of the estimate and may reflect the impact of early payment discounts, compression and the collection rate.” This statement is not counted as part of the 175-word limit [ORS 280.075(1)].

Ballot measure examples

Multiple-year local option tax—fixed-dollar amount [ORS 280.060(1)(a)]

Caption—10 words

- a. Purpose is to identify the type of tax.
- b. Do not put district name or dollar amounts in the caption.

Question—20 words

- a. Include the name of the taxing district. The word “district” may be substituted for the full name if the full name is included in the summary.
- b. State the amount of tax to be imposed each year in dollars.
- c. State whether the tax is for operating purposes or capital projects.
- d. State the first fiscal year the tax will be imposed and the number of years the tax will be imposed.
- e. If this is a new local option tax, include the following statement after the question: “**This measure may cause property taxes to increase more than three percent.**” If the measure is renewing a currently existing local option tax, include the following statement instead: “This measure renews current local option taxes.” These statements are not counted in the 20-word limit.

Summary—175 words

- a. Explain the purpose in plain language. Do not advocate a yes or no answer.
- b. This example is in May, so the double majority statement is not included.
- c. Include the total amount of tax to be raised by the measure.
- d. If an estimated rate per \$1,000 is given, include the statement: “**The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate and may reflect the impact of early payment discounts, compression and the collection rate.**” This statement is not counted in the 175-word limit.

May 2016 election

Caption: Six-year capital projects local option tax.

Question: Shall Sample District impose \$20,830 each year for six years for capital projects beginning in 2016–2017? This measure may cause property taxes to increase more than three percent.

Summary: The taxes needed for six years total \$124,980, which will be imposed in equal amounts of \$20,830 each year. The taxes will be used to purchase office furniture and equipment for the district headquarters building. It is estimated that the proposed tax will result in a rate of \$0.01 per \$1,000 of assessed value in the first year. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate and may reflect the impact of early payment discounts, compression and the collection rate.

One-year local option tax—rate [ORS 280.060(1)(b)]

Caption—10 words

- a. Purpose is to identify the type of tax.
- b. Do not put district name or dollar amounts in the caption.

Question—20 words

- a. Include the name of the taxing district. The word “district” may be substituted for the full name if the full name is included in the summary.
- b. State the tax rate per \$1,000 of assessed value.
- c. State whether the tax is for operating purposes or capital projects.
- d. State the fiscal year the tax will be imposed and the number of years the tax will be imposed.
- e. If this is a new local tax levy, include the following statement after the question: **“This measure may cause property taxes to increase more than three percent.”** If the measure is renewing a currently existing local option tax, include the following statement instead: **“This measure renews current local option taxes.”** This statement is not counted in the 20-word limit.

Summary—175 words

- a. This example is in November, so the double majority statement is not included.
- b. Explain the purpose in plain language. Do not advocate a yes or no answer.
- c. Give the amount of tax that is estimated to be raised in the fiscal year the tax is imposed.

November 2016 election

Caption: One-year local option tax for operations.

Question: Shall Sample City impose \$0.18 per \$1,000 of assessed value for one year for operations in 2016–2017? This measure may cause property taxes to increase more than three percent.

Summary: The tax revenue from this measure would allow Sample City to operate the city office six days a week, Monday through Saturday, from 10:00 a.m. until 7:00 p.m. The office is currently open Monday through Wednesday from noon until 5:00 p.m. and on Saturday from 10:00 a.m. until 3:00 p.m. The requested rate will raise approximately \$130,000 in fiscal year 2016–2017.

Multiple-year local option tax (renewal)—rate [ORS 280.060(1)(b)]

Caption—10 words

- a. Purpose is to identify the type of tax.
- b. Do not put district name or dollar amounts in the caption.

Question—20 words

- a. Include the name of the taxing district. The word “district” may be substituted for the full name if the full name is included in the summary.
- b. State the tax rate per \$1,000 of assessed value.
- c. State whether the tax is for operating purposes or capital projects.
- d. State the first fiscal year the tax will be imposed and the number of years the tax will be imposed.
- e. If this is a new local option tax, include the following statement after the question: “This measure may cause property taxes to increase more than three percent.” If the measure is renewing a currently existing local option tax, include the following statement instead: “This measure renews current local option taxes.” This statement is not counted in the 20-word limit.

Summary—175 words

- a. This example is not in May or November, so begin the summary with: “This measure may be passed only at an election with at least 50 percent voter turnout.” This statement is not counted in the 175-word limit.
- b. Explain the purpose in plain language. Do not advocate a yes or no answer.
- c. Give the amount of tax estimated to be raised in each year in which the tax will be imposed.

September 2015 election

Caption: Renewal of current five-year local option tax for general operations.

Question: Shall district impose \$0.37 per \$1,000 of assessed value for general operations for five years beginning 2016–2017? This measure renews current local option taxes.

Summary: This measure may be passed only at an election with at least 50 percent voter turnout. The Sample Soil and Water Conservation District will use the tax revenue from this measure to continue to operate the district at its present level of service. Without this additional revenue the district must eliminate one conservation agent position, two maintenance worker positions, and close the office on Saturdays. The proposed rate will raise approximately \$462,500 in 2016–2017, \$476,400 in 2017–2018, \$490,700 in 2018–2019, \$507,800 in 2019–2020, and \$526,100 in 2020–2021, for a total of \$2,463,500.

Permanent rate limit [ORS 280.070(6)]

Caption—10 words

- a. Purpose is to identify the type of tax.
- b. Do not put district name or dollar amounts in the caption.

Question—20 words

- a. Include the name of the taxing district. The word "district" can be substituted for the full name if the full name is included in the summary.
- b. State the tax rate per \$1,000 of assessed value.
- c. State the first fiscal year the tax will be imposed.

Summary—175 words

- a. If the election is not in May or November, begin the summary with: "This measure may be passed only at an election with at least 50 percent voter turnout." This statement is not counted in the 175-word limit.
- b. Explain the purpose in plain language. Do not advocate a yes or no answer.

March 2016 election

Caption: Permanent tax rate limit

Question: Shall district be authorized to impose \$0.52 per \$1,000 of assessed value as a permanent rate limit beginning in 2016–2017?

Summary: This measure may be passed only at an election with at least 50 percent voter turnout. The Sample Soil and Water Conservation District has operated for 25 years on the revenue from grants and user fees. Many grant programs are no longer available. This measure would establish a permanent tax rate limit for the district. The revenue from the new permanent rate would be used to help operate the district and help avoid future increases in user fees. In the first year of imposition the proposed rate will raise approximately \$750,200.

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Frequently asked questions

Q. Can we only ask voters for a permanent rate limit in May and November of even numbered years?

A. A new special district that is also asking for permission to form the district may ask for a permanent rate limit in any May or November election. Measures to form a city with permanent rate authority may only be on the ballot in a primary or general election (May or November of even years).

Voters of an existing district can approve a permanent rate limit at any of the four tax elections. But remember, only new districts or districts that have never imposed an ad valorem tax can ask for a permanent rate limit.

Q. Can a permanent rate be increased or decreased by voter approval?

A. No. It is permanent.

Q. Can we ask voters for more than one permanent rate limit?

A. No.

Q. We are asking the voters to approve the annexation of new territory. This will subject the property in the annexed area to our permanent rate. Does approval require a "double majority"?

A. No. Only those situations specifically mentioned in Section 11 of Article XI of the Oregon Constitution require a double majority. Annexations, mergers, and consolidations are not mentioned in this section.

Q. Must the ballot title include a statement indicating that the taxes are subject or not subject to the Measure 5 limits?

A. Ballot measures seeking approval of bonds that will be repaid with property taxes must state that the taxes are not subject to the limits of sections 11 and 11b of Article XI (ORS 250.037). Local option or permanent rate limit measures no longer need a statement indicating the Measure 5 category limit to which the taxes are subject.

Q. Can we combine a capital project local option with a local option for operations?

A. Yes, but the maximum period for such a levy is five years. Any capital project measure for more than five years must be presented to the voters separately.

Q. After we write our ballot title how can we make sure it is correct?

A. If your district has legal counsel, have your attorney review the language. You can also send your ballot language to one of the Finance, Taxation, and Exemptions analysts (see appendix A). They will review the language for compliance with statute and, if needed, make suggestions.

Q. How do we figure out what tax rate to ask voters for?

A. First, through the budget process, determine how much revenue is needed.

Next, divide the revenue amount by the county's tax collection percentage. A three percent discount is granted when taxes are paid on time. Other people don't pay at all. These factors increase the amount you must ask for. Call Finance, Taxation, and Exemptions for your county's collection percentage.

Next, estimate the assessed value that would be used for rate computation. The county assessor may be able to provide some information for this estimate. Divide the amount of revenue you need, as increased by the collection percentage and an estimate of compression loss by the estimated value to compute the rate.

Q. How do we tell if our measure is for a new local option tax, or if it is renewing a current local option tax?

A. A renewing measure asks for the same tax rate or annual dollar amount as an existing local option tax that is currently being imposed, or a lesser rate or amount. A renewing tax is for substantially the same purpose as the current tax.

Q. How do we tell if Measure 5 limits will allow any local option taxes to be collected? What's our "gap" rate?

A. Local option taxes are the first taxes to be reduced ("compressed") to meet the Measure 5 limits. In extreme situations, the entire local option tax could be eliminated. It's a good idea to do an estimate to see if you will realize any revenue from a local option tax.

The Measure 5 limits are expressed as dollars per \$1,000 of real market value (RMV) in each tax category. The general government category limit is \$10 per \$1,000 of RMV. The education category limit is \$5 per \$1,000 of RMV.

The taxes imposed by taxing districts are calculated using taxable assessed value (TAV). To estimate whether there is room within the limit for more tax,

or a “local option gap,” the Measure 5 RMV limit must be converted to its TAV equivalent and compared to the actual tax rates already being imposed.

Most county assessors can assist you in making this estimate. Depending on the software the county has, they may be able to give you a fairly accurate idea of the available gap rate. Or, if you already have a tax rate in mind, they may be able to tell you how much revenue that rate is likely to raise, after compression loss.

You can also make the estimate yourself. Ask the assessor for the RMV and TAV in each tax code area in your district, and also the total tax rate already being imposed in each code area for your Measure 5 category. Use the formula illustrated in the example below to convert the Measure 5 limit to a Measure

50 TAV equivalent. Then compare this Measure 50 equivalent limit to the existing Measure 50 taxes.

Do this for every code area in the district. The code area with the lowest gap rate determines the maximum gap rate that can be imposed without compression loss. If a higher local option rate is imposed, some revenue will be lost to compression. Recognize that this is an estimate, based on the average value in the code areas. Since Measure 5 limits are calculated for each property, actual revenues can vary from the estimate.

In this example, we determine that a district in the general government category could impose a local option tax of \$0.30 per \$1,000 (or less) without compression loss.

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Example—Calculate Measure 5 limit “gap”

Real market value of district in tax code area 1	\$100,000
Taxable assessed value of district in tax code area 1	\$ 80,000
Existing tax rates already being imposed in general government category:	
District	Existing rate
County	\$2.5600
City	4.8664
Park & Rec Dist.	0.8406
Health Dist.	<u>3.9330</u>
Total existing rate	\$12.2000
1. Calculate the Measure 5 limit: $\$10.00 \times (100,000 \text{ RMV} \div 1,000) = \$1,000$	
2. Divide Measure 5 limit by TAV and multiply by 1,000 to convert it to a Measure 50 limit: $\$1,000 \div \$80,000 \text{ TAV} = 0.00125 \times 1,000 = 12.5000$	
3. Subtract total existing general government category rate to get “gap”:	
Measure 50 limit	\$12.5000
Existing Measure 50 gen. gov. rates	<u>12.2000</u>
Measure 50 “gap” in tax code area 1	\$0.3000
4. Repeat for every tax code area in the district. The lowest “gap” rate in all of the tax code areas is the rate that can be fully imposed (on average) without compression loss.	

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Appendix A—Contacts

Department of Revenue mailing address:

Department of Revenue
Property Tax Division
PO Box 14380
Salem OR 97309-5075

Department of Revenue property tax division website:

www.oregon.gov/dor/programs/property

Finance, Taxation, and Exemptions analysts:

Message phone for FT&E503-945-8293
FT&E email..... finance.taxation@oregon.gov

Secretary of State Elections Division website:

oregonvotes.gov

Oregon county websites:

bluebook.state.or.us/local/counties/counties.htm

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Appendix B—Oregon Revised Statutes

Index of Oregon Revised Statutes on tax elections

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250.035 Form of ballot titles for state and local measures.

250.036 Form of ballot title for measure subject to Section 11(8) Article XI of Oregon Constitution.

250.037 Form of ballot title for measure requesting approval of certain bonds.

250.038 Form of ballot title for measure authorizing imposition of local option taxes or establishing permanent rate limitation. 251.345 Explanatory statement.

Local option measures

280.040 Definitions for ORS 280.040 to 280.145; use of certain tax revenues.

280.060 Levy of local option taxes outside constitutional limitation; duration of levy; approval of levy as approval of bonds.

280.070 Manner of holding elections for local option tax or permanent rate limit; additional statements in ballot title.

280.075 Ballot statements for local option tax measures.

280.090 Submission of several proposals to impose local option taxes.

Local budget law

294.305 to 294.565 Local Budget Law

294.368 Determination of estimated tax revenues.

294.476 Local option tax approved after adoption of budget; supplemental budget.

294.495 Department of Revenue to construe Local Budget Law.

Bond levies

287A.140 Ad valorem tax levy to pay general obligation bonds

287A.380 Tax levy to pay maturing general obligation advance refunding bonds

Tax levy certification

310.060 Notice certifying taxes; contents.

310.070 Procedure when taxes exceed limitations or are incorrectly categorized.

**For full text of statutes, see
Oregon State Legislature website:**

www.oregonlegislature.gov

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**Mayor's Report,
October 13, 2016 Council Meeting**

The CDBG funding application was submitted on September 30th, we met the deadline with a couple of hours to spare. IFA will have 10 days to review and draft questions, then we will have 14 days to respond. Then the application will move forward to the reviewers, I am not sure when the final decision will be made.

I finally received the bill from PSU on the income survey, so I will be able to close out the grant that helps us pay for the study. We were billed \$5,905.89, PSU's bid was not to exceed \$5,906.39 and the IFA grant will pay \$2,360.00. So we will have to pay out \$3,545.89. Thanks again to all that helped in going door to door to collect the required numbers of surveys.

Knife River is scheduled to start the South Main project on October 17th. This was my first road project and I learned a lot, I will make sure we have an earlier start date locked in next time. I also thought Knife River would have liked the extra work that citizens contacted them on, but it seems they do not want the extra work, they bidding the jobs awfully high. I am hoping to have this grant closed before the end of the year.

The County is moving forward on the FEMA project, they have begun the environmental engineering report and starting on the design. We have submitted for the first draw from FEMA and IFA. I might need to call the budget committee into session to approve a supplemental budget that would include this project; I am still researching the process.

I have met with Polk Community Development Corporation and the Falls City Alliance. We are in the process of setting up an escrow account, title search, payoff agreement, and looking into rezoning the property. Once we are done with this work, we will submit for the land acquisition part of the grant we were awarded from OPRD. Under the terms of the grant we were awarded \$55,715.50 (66.5%) of the appraised value of \$85,000.00. It is estimated that the payoff on the Alliance loan is \$134,037.40; we will be rolling some of the title fees into the new loan and estimate the total loan to be around \$80,000.00, which will give us an annual payment of approximately \$2420.00 for 40 years at 1% interest.

I am expecting to have HBH Engineering at the November meeting with the first draft of the complete water plan for our review and comments. If we are satisfied with the plan we will submit the plan to OHA for their approval. Once it is approved we will be able to request payment on the \$20,000 grant we awarded from IFA.

We had closed the Upper Park down for the winter, but then had a bunch of requests for events in the Park. So we turned the water back on for these events. I have given notice in the Newsletter that we will be closing the Park for the Winter; which means draining the water lines so they don't freeze and closing the bathrooms up.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

09/02/2016:	54 Miles, Salem Engineers on wastewater.
09/06/2016:	25 Miles, Monmouth Bank.
09/07/2016:	25 miles, Monmouth Bank.
09/09/2016:	25 Miles, Monmouth Bank.
09/13/2016:	54 Miles, Salem meet with Engineer, Monmouth Bank.
09/15/2016:	25 Miles, Monmouth Bank.
09/22/2016:	25 Miles, Monmouth Bank.
09/29/2016:	25 Miles, Monmouth Bank.
09/30/2016:	60 Miles, Salem to COG work on CDBG application, deliver to IFA.

318 miles x .54 = \$171.72 mileage.

Total reimbursement = \$ 171.72



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph. 503.787.3631

**OFFICE OF THE MAYOR
AND CITY MANAGER
TERRY UNGRICHT**

September 10, 2016

Commissioner Mike Ainsworth,
Commissioner Craig Pope,
Commissioner Jennifer Wheeler,
850 Main Street
Dallas, OR 97338

Dear Honorable Commissioners,

I am writing concerning an issue that was brought to the Falls City Council by a County resident, Mr. Lamb, who lives on Bridgeport Road. Mr. Lamb approached Council for support on having the County budget to pave the 1.25 miles of the unpaved portion of Bridgeport Road.

The City of Falls City has Sheldon Road classified as a collector street in our Transportation Safety Plan and Sheldon Road turns into Bridgeport Road once it leaves the City. Currently there are two major roads leading into Falls City, the Falls City Hwy and Bridgeport Road and if there is ever a problem with the one bridge we have crossing the Little Luckiamute River, Bridgeport Road will be the only road open to half of our population. Bridgeport Road is also experiencing an increase in traffic to Camp Tapawingo since the Church of Latter Day Saints purchased the property.

The Falls City Council is concerned with the additional traffic and Falls City relying on Bridgeport Road as an arterial road if the Little Luckiamute Bridge is out of service, they motioned unanimously to write a letter of support for Mr. Lamb in efforts to have the Polk County pave the last portion of Bridgeport Road. Falls City currently has a small portion of Sheldon that is still gravel and would be willing to budget for the costs to pave this small stretch when the county budgets for this important project, this would create another safe access to our City.

We appreciate your time and consideration of this paving project that would create a safer and cleaner road into and out of Falls City.

Sincerely,

Terry Ungricht
Mayor/Manager
City of Falls City

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Cc: Robert Lamb, 349 Walnut Dr. S, Monmouth Or. 97361

THIS ORGANIZATION IS AN EQUAL OPPURTUNITY PROVIDER



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph. 503.787.3631

**OFFICE OF THE MAYOR
AND CITY MANAGER
TERRY UNGRICHT**

DRAFT

Date

Green Haven RV Park
Richard Bowman
200 Church Street
Falls City, Oregon, 97344

RE: Conditional Use Permit (CUP 05-01)

This letter is follow up to letter dated June 24, 2016 and a follow up to Mike Bowman testimony at the July 14, 2016 Council meeting (See Attachment B).

City Council directed staff to review the Green Haven RV Park's Conditional Use Permit (CUP 05-01). Staff identified multiple violations under the conditional use permit. In June, staff met with you to discuss compliance issues. Staff then worked with you to select a date to discuss compliance issues with City Council. On July 14, 2016 Mike Bowman met with City Council where it was decided to provide time to Green Haven RV Park to become compliant with the conditional use permit.

On September 8, 2016 City Council appointed Councilor Meier as the Green Haven RV Park liaison to help the RV Park to become compliant under the Conditional Use Permit. On September 12, 2016 I sent you notifications of Councilor Meier's position as liaison.

Councilor Meier reported to staff that you do not feel you need to comply with the Conditional Use Permit CUP 05-01 (See Attachment A for the June review of CUP 05-01 compliance).

The City has been patient and allowed time for the management of Green Haven RV Park to become compliant with the conditional use permit. The City has provided an example of a document to chart the RV's in the park. Unfortunately we have not had the cooperation of the RV Park. While meeting with the City Council Representative, Councilor Meier, you stated if the City wants the RV's moved they would have to come and give notice to the residents. This is not what the conditional use permit specifies.

If compliance issues listed in Attachment A cannot be corrected, staff will recommend a hearing before the City Council. A hearing would allow Council to review compliance and would provide City Council the option to alter the terms and conditions of the permit, up to and including revocation of the permit. (Falls City Zoning and Development Ordinance 3.201 (E) CONDITIONAL USE PERMITS)

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Falls City Zoning and Development Ordinance 3.201 CONDITIONAL USE PERMITS

E. Continued compliance with terms and conditions of an approved conditional use permit, and adherence to the approved plans, shall be required. Any departure from the terms and conditions of approval shall constitute a violation of this Ordinance. The City Recorder or his/her designee may conduct periodic reviews of compliance and, upon sufficient complaints or other evidence of violations, may call up the permit for review by the Planning Commission and Council. After public notice and public hearing as provided in Section 3.105, the City may alter the terms and conditions of the permit, up to and including revocation of the permit. After public notice and public hearing, the holders of a conditional use permit may request a modification of terms and conditions.

You will receive Notice of the hearing, should City Council determine that a hearing is necessary. It is the City's goal to work with Green Haven to become compliant with the Conditional Use permit, but we need to see progress that steps are being taken to comply with the permit.

Thank you,

Terry Ungricht
Mayor/Manager
City of Falls City

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Attachment A –Review of conditional use permit CUP 05-01

Attachment B - City Council Minutes July 14, 2016

Attachment A

Review of Conditional Use Permit CUP 05-01

Updates are underlined and in red font

Conditions 1 and 2:

1. Recreational vehicles (RVs) are permitted to stay at the Applicant's RV Park for a maximum of 180 days (six months) because they are temporary living quarters. After 180 days, consecutive or intermittent within a twelve-month period, the Applicant shall have the RV removed from the Applicant's RV Park. In other words, a RV is required to move to a new space number every 180 days for up to two (2) years' period, after which the RV is required to leave the RV Park. RV's are not allowed to stay beyond two years (2).
2. Recreational vehicles (RVs) that have left the Applicant's park may then re-enter, but must be established in a different RV space than was previously occupied during the previous 180-day tenancy.

Findings: The last report documenting the movement of RVs submitted to City Hall is dated July 1, 2012 for moves that occurred on December 2011. Green Haven RV Park is not in compliance with this condition.

Resolution: Green Haven RV Park has until July 31, 2016 to comply with condition 1 and 2 and RV's are required to move every 180 days and cannot stay beyond two (2) years. Green Haven RV Park reported that they could not move RV's by July 31, 2016 and have stated that they will not require RV's to move from the park.

Population Reporting: Mr. Bowman has continued to file park population reports as of June 30 and December 31. Mid-Willamette Council of Governments uses the non-identifying report when preparing Portland State University Annual Housing Questioners. PSU uses the information to determine the Preliminary and Certified Population of Falls City. In turn, this population figure is used to determine state revenue sharing amounts. Reporting date as of June 30, 2016. Staff received the population report on July 7, 2016. The next population report is due by December 31, 2016.

3. **Condition:** The terms of Conditions 1 and 2 of this Decision shall be made a part of the Statement of Operations for the Applicant's RV Park. The Applicant shall submit a copy of the revised and updated Statement of Operations to the City of Falls City within 30 days of the signing of this Decision.

Findings: Statement of Operation on file at City Hall is dated 4/30/2002.

Resolution: Please provide City Hall with an updated Statement of Operation. The City has not received an updated Statement of Operations.

4. **Condition:** Except as modified by this Decision, all development on the subject property shall conform to the plans approved by the City Council and the conditions set forth in the City Council Decision for land use file numbers CUP 97-0021, SDR 97-0023 and VAR 97-0022, approved November 3, 1997.

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City Council approved a Site Design Review (SDC 97-0023) and Conditional Use Permit (CUP 97-021) to allow the creation for a 40 space Recreational Vehicle Park.

Findings: On June 22, 2016 Green Haven RV Park had less than 40 RVs.

- Thirty-five (35) RVs serving as a living quarters in approved spaces, five (5) official spaces were empty
- **One (1) RV appeared to be a living quarters at the beginning of the park in an unofficial space (this would bring the count to 36)**
- A tent and a roughly constructed and tarped enclosure were visible on a side at the front of the property
- Seven (7) RV were stored on the property: Four (4) as you enter the property on the left, and three (3) RVs in a storage area at the rear of the property situated below RV spaces and the manufactured home.

Additional areas of staff review:

1. City Council added the following requirement to CUP 05-01 in a signed letter from the City Clerk dated 7/29/2005: The RV Parks guests check in/out records per vehicle ID (VIN) to City Hall for review, the names are to be excluded (see attached).

Findings: Files do not show evidence of such reports.

Resolution: Staff has attached new forms which include the VIN to track moves in and out. This form should be used for the July 31, 2016 move date and then provided to the City monthly. The City has not received the required report.

2. **Review of Nuisance Ordinance for the storage of RVs:**

Findings: Falls City Municipal Code Chapter 90.14 NUISANCES AFFECTING PUBLIC HEALTH limits storage of RV to a single RV that has a current license, if required to be licensed under State Law. On 6/22/2016, staff noted multiple RVs outside of approved RV spaces.

Chapter 90.14 (2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)

Chapter 90.14 (8) Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)

Resolution: RVs in storage should be removed.

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Attachment B
City Council Minutes July 14, 2016

Green Haven RV Park discussion resumed with Mr. Bowman's arrival. Mayor Ungricht hoped Council had read the report and asked Mr. Bowman if he would like to address Council regarding the matter.

Mr. Bowman greeted Council and provided a handout he had prepared to Council and staff. (Exhibit D) A moment was taken to read Mr. Bowman's handout information. Richard Bowman is the current owner of the RV Park, but his son Mike Bowman is acting on his behalf and will take over upon Richard Bowman's retirement. Mr. Bowman informed Council of various changes he has made to the Green Haven RV Park as well as plans for future improvements.

Councilor D. Sickles inquired if Mr. Bowman had an eviction policy he followed. Mr. Bowman responded that yes, they are finally implementing the correct one. Currently he is in the process of issuing evictions, recruiting better tenants and cleaning up the RV Park.

Mayor Ungricht said he had been through the RV Park and he did see work was done to improve the debris and garbage situation. Mr. Bowman invited Council to visit the RV Park and see the improvements that have been taking place over the past several months.

The moving of RVs from one space to another every 180-days will need to be enforced. After a consecutive 180-day stay, RVs are required to leave the RV Park and may reenter and occupy a different space. Mayor Ungricht gave a brief history beginning with Green Haven's initial 90-day tenant stay issued in 1997 by Council. In 2005, Green Haven requested the allowed stay to be increased to twenty-four months. This request was denied.

Mr. Bowman brought Council's attention to the last page of his handout. It was his belief the twenty-four month term was in effect. Councilors Meier and Drill confirmed that Council declined it and only the 180-day term of stay was passed by Council vote in favor 4-2-0 in 2005. The attachment in his handout was simply what Green Haven requested of Council at the time. It was not granted. This 180-day term of stay cannot be changed by Council decision because it is State Law.

Mr. Bowman pointed out that this was not enforced elsewhere in the City. He agreed that he would comply and do what it takes to clean up Green Haven even though the 180-day limit it puts pressure on his business.

Mayor Ungricht concurred that it does put pressure on Mr. Bowman's business. He added that Green Haven clientele put pressure on the City, the Falls City School District and Polk County Sheriff's Department.

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Mr. Bowman agreed that three or four people are currently in the eviction process. He said once they are gone, there will not be a need for officers in the RV Park, it will be "smooth sailing". He added one tenant was responsible for over six Polk County Sheriff visits in the past few months. Mayor Ungricht asked if he was the person who broke into Frink's General Store. Mr. Bowman said no, but he is just as bad. He did not name names but said this person was under eviction and that several other tenants would be going to court soon. Mr. Bowman said it was difficult. He said nowadays, tenants have squatters' rights and it is harder to get rid of them. He added that he has been in contact with other RV parks and has acquired new forms and applications for prospective tenants to fill sign. He has no problem evicting; it is just going through the process of doing so. Mr. Bowman informed Council the main offender just left a few days ago. Green Haven had been trying to get rid of this person for a year but he would move from one trailer to the next, staying with other tenants. Mr. Bowman is looking into criminal trespass charges in case he returns.

Mr. Bowman added that there are many good people in the RV Park. Mayor Ungricht agreed there are. Mr. Bowman said that his father had been taken advantage of by tenants, but that would change with Mr. Bowman's ownership.

Mayor Ungricht invited questions from Council.

Councilor Drill asked about the garbage in the RV Park. More specifically about the rats, numerous stray cats and feces, she has observed on visits to the RV Park over the last two years. Mr. Bowman stated he had not witnessed this and was not sure where she had seen it. He said another garbage can was needed and they have caught people from out of town bringing in garbage to their site. He hopes to implement a surveillance system and lighting.

Council assured Mr. Bowman this was not a personal issue and asked how the City could help Mr. Bowman with the RV Park situation. Councilor Drill said it was clear help was greatly needed for the RV Park. Council was in support of Mr. Bowman.

Mr. Bowman was appreciative and invited Council to come over. Councilor Drill stated she lives on that side of town. Mr. Bowman went on to say, he has cleaned up the bathrooms and showers. He said the four non-compliant tenants do not pay rent and are responsible for the mess.

Councilor Drill explained the 180-day lodging limit in an RV Park was actually a way to help Green Haven in this type of situation to remove non-compliant tenants. It allows Green Haven to cite City Ordinance and State Law and cause offenders to leave. Mr. Bowman stated that they have implemented this in the past. However, in the last few months have experienced approximately 85% turnover. He said the tenants Council is addressing in regards to the 180-day stay have been at Green Haven for years. These tenants pay their rent and keep their spaces clean. He said the few that are under eviction cause the problems. Mr. Bowman has added 10 new renters and implemented a pay by the week policy. This is done for the first month or so, and then goes to monthly if they show payment responsibility. So far, this has been successful. A plus side to this, if the rent by the week is four days overdue, the eviction process can start immediately instead of taking months Mr. Bowman added.

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Councilor Drill stated her concern was the agreement [CUP #2710032] in place is not being followed. She said when an agreement is in place, it is her expectation to hold those involved accountable. Green Haven RV Park needs to be held accountable to their agreement. Every trailer/RV needs to be moved out every six months, because that was the agreement entered into. Councilor Drill went onto say that when we (Council) give an inch, miles are taken.

Mr. Bowman asked what Council intends to do about the illegal RV Parks within City limits. He defined an RV park as "Two or more RVs on a tax lot". He said there are half a dozen of them illegally hooked up to sewer and water and violating every code there is with the state, city and county. Mr. Bowman concluded by saying he wants to comply with the agreement but that the City should address all violators and not just single him out.

Mayor Ungricht explained the City is working on the problem of squatters in RVs/trailers. The major obstacle is that the City has no court in place and very little funding. Mr. Bowman said he knows what the town is up against and truly, wants to do his part and help.

A program will have to be designed and put in place to track trailers/RV location and have VIN numbers on file. The initial deadline of July 31, 2016 is not feasible at this point. Mr. Bowman said someone from the City would have to come and enforce the Code and look at VINs.

Mayor Ungricht clarified that it is the property owner's responsibility to enforce compliance under the agreement for Green Haven's Conditional Use Permit.

The question of law enforcement aid to escort faulty tenants was brought up. It is thought to be a State Police issue since the 180-day stay limit is a state law. Mr. Bowman said would check into property managements and that may be a solution. Council would like to see a plan of action followed.

Councilor Meier asked about fencing listed in the CUP #2710032 language. It should be 6 feet high and form a barrier. Mr. Bowman said he would replace the missing plants or add a solid section to the area allowing visibility to the designated overflow/storage portion of the property. Council complimented Mr. Bowman on the recently mowed field off Lombard Street and how good it looks.

Councilor Meier brought up hotel tax. It cannot be applied to Green Haven RV Park because the state considers 6 months legal residency. He felt individual water hook ups should be obtained because there was a business with one meter and two separate services elsewhere in town.

Mr. Bowman felt he was the largest purchaser of water and inquired if anyone purchased more than Green Haven. Mayor Ungricht answered yes, there were significantly larger users. He pointed out that individual hookups would require a modification to Green Haven's CUP #2710032.

Councilor D. Sickles suggested Mr. Bowman make a plot map of spaces, the VIN and date the tenant moved in then submit a copy to the City each month. It would be fair to allow time to implement this procedure. Councilor D. Sickles also feels it is fair that the City see progress on Green Haven's part. He commended Mr. Bowman on his efforts and thinks Mr. Bowman will be happier with the improvements as well as solving issues with the City.

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Mr. Bowman said some of the vehicles in the RV Park were so old, they may not have VINs.

Mayor Ungricht offered City staff to help develop and implement a tracking plan. Mayor Ungricht said Green Haven had always kept adequate records, which helped the City with population reporting in the past.

Mr. Bowman asked if the 180-day applied to only tenants or to their personal vehicles as well. Council was unsure, but suggested honoring the agreement. The agreement states vehicles must be currently licensed. Mr. Bowman added that the age of RV's allowed in the RV Park is one of the policy changes he would like to make and only allow newer models to move in.

Councilor D. Sickles said he is friends with a long time Green Haven resident. Unfortunately, they are required to vacate and return every six months as well as per the agreement. It was agreed that terms of CUP #2710032 have not been enforced over the last several years by Mr. Bowman to tenants, or by the City to Mr. Bowman. He suggested that instead of trying to correct the issue during this Council meeting, to have staff work with Mr. Bowman and give a fair amount of time for implementation of the process. Councilor D. Sickles stated it would also be fair for the city to see progress during this time. Mr. Bowman had requested six months.

Council agreed to have staff to work with Mr. Bowman. Mayor Ungricht offered to take photographs of problem sites. Mayor Ungricht asked Council to move on.

Mr. Bowman expressed his appreciation and said working together and communications were key in improving our City.

Councilor L. Sickles responded "And we will".

Councilor Drill made note that as a mother, living in the area, she would like to see change for the sake of our children. She visits the location often and it is saddening to see what goes in and out of the RV Park. She said for her personally, she needs it to change. Councilor Drill reiterated it is not anything personal against Mr. Bowman.

Mr. Bowman assured Council the last three or four problematic offenders would be out and this would bring change for the better. Mayor Ungricht added that the problem with Mr. Bowman kicking them out is that those people would end up squatting somewhere else in town creating a problem for the City.

Mayor Ungricht thanked Mr. Bowman for coming in and speaking with Council.

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September 2016 Falls City Stats

Falls City Calls for Service							
911 Hangup	4	DOA		Hit and Run	1	Susp Activity	2
Accident		dog bite	1	Misc Crime	2	Susp Person	2
Animal	3	Domestic Dist	5	OD		Susp Vehicle	2
Area Check	7	Drug	2	Mental	3	Theft	2
Assault		FIR	4	Noise	1	Tow	
Assist Other Agency	4	Fire/EMS	3	Open Door		traffic assist	
ATL (attempt to locate)		Follow up	16	proowler		Traffic Stops	16
Burglary		Found Prop		runaway		Trespass	2
Citizen Contact	14	Fraud		sex offense		Uncon	
Civil Paper Service	12	Gen Disturb	1	Shots Fired	1	Welfare Check	3
Criminal Mischief	1	Harassment	5	Stolen Veh	1	Unclass	

Falls City Calls for Service	118	Of the FC Calls for Service	15	involved crimes
Total Calls for Service (county wide)	2147	FC Cases Cleared by Arrest	11	73.3% clearance
Falls City % of Total Calls	5.5%	Total Arrests in Falls City	5	5.8% of total arrests

Total Service Calls (Polk County)	2147	Crimes Occ	15	(county wide)
Of the calls for service (county wide)	155	Juvenile Arrests	6	(Falls City)
Cases Cleared by arrest	95	Juvenile Arrests	(only true crimes reported here)	
Total Arrests (county wide)	86			

Public Works Staff Report for September 2016

Thursday, 1 Water and sewer samples, lock 132 Carry Court meter, deliver shut off notice 149 Sheldon, locate 246 South Main, exercising valves.

Friday, 2 Upper park maintenance, exercising valves, reconnect 132 Carry Court, pump 560 Woods septic tank, electrical problem, called Valley Electric, schedule for Tuesday.

Saturday, 3 Sunday, 4 Monday, 5 Holiday, routine water and sewer.

Tuesday, 6 Repaired electrical problems at 560 Woods Street, installed meter on Mitchell.

Wednesday, 7 Exercising valves.

Thursday, 8 Did state waste water report, exercising valves.

Friday, 9 Exercising valves, South Main project.

Saturday, 10 Routine water and sewer.

Sunday, 11 Open upper park for birth day party, river clean up, routine water and sewer.

Monday, 12 Upper Park maintenance, South Main project.

Tuesday, 13 South Main project.

Wednesday, 14 South Main project, power outage, put generators out at lift stations, power restored later that evening.

Thursday, 15 South Mine project.

Friday, 16 Deliver delinquent notices to customers.

Saturday, 17 Sunday, 18 Routine water and sewer.

Monday, 19 South Main project, meter repair 5535 Clark RD. upper park maintenance, reopen park for remainder of the month of September, may close in October, see how the weather is.

Tuesday, 20 Septic tank inspection, town for parts, service repair, physical shut offs for delinquent customers.

Wednesday, 21 Septic tank inspection.

Thursday, 22 Septic tank inspection, meet with Weyerhaeuer, about concerns of logging around city water main coming into town.

Friday, 23 Ran grader.

Saturday, 24 Sunday, 25 Routine water and sewer.

Monday, 26 Meter reading, pump 405 Mitchell Street septic tank.

Tuesday, 27 Finish meters, tank inspection.

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Wednesday, 28 Tank inspection, finish painting lines, calibrate flow meters WTP, had back hoe repair, Daves Mobile made the repair, new universal.

Thursday, 29 Finish septic tank inspection, chlorine delivery WTP.

Friday, 30 Upper park maintenance, equipment maintenance.

Library Director's Report

September 2016

- **Attendance** from July 18 to September 11: 127 adults, 218 children (345 total). From August 6th to September 11th 81 of 183 patrons were at the library for book or research related activity, approximately 44%.
- **Computer Usage & Rule Changes:** I have enforced, with success, a one hour time limit on library computers for non-research related usage in an attempt to reduce video game usage / arcade atmosphere. No children under ten years of age are to be present in library without a legal guardian.
- **2017 Ready 2 Read Grant Application:** I prepared a comprehensive summer reading project proposal to receive state funding for next summer's summer reading program. The goal of which is to help youth maintain or improve their literacy skills over the summer.
- **Oregon State Library Report:** I am in the process of finishing Wagner Library's 2015-2016 Oregon State Library Report which is Due September 30th.
- **Elementary School Library:** I have categorized and shelved the elementary school's library collection and will continue converting books from the old categorical system to the Dewey Decimal System. Classes continue their introductions to the library, and I have begun checking out books to the kids.
- **CCRLS PYM Director's Meeting:** I attended the first PYM meeting in Salem on September 2nd. The majority of the meeting was focused on RFID, a new tagging system that will be applied to all CCRLS library collections to streamline operations.
- **Called Polk County Elections Office and Assessor's Office:** To familiarize myself with what a local option levy is, I spoke with County Assessor Doug Schmidt, and I spoke with Val Unger in the Elections Office about what sort of role I might play in helping to get it passed. I will reach out to other libraries that have had something on the ballot for funding to find out what I can do legally as library director to help generate voter awareness. Also, Mr. Schmidt is willing to speak with our City Council any time after November 15th.

Andy Rommel - Library Director

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Library Director's Report ADDENDUM

September 2016

- Per discussion at City Council meeting, began writing an active "About Wagner Library Document" which is basically a list of our library's functions and how it benefits the community. This list can serve as an educational aid in anticipation of voting on becoming a district.
- Have begun cleaning and organizing back room / office of library.
- Donated rejected donation books to VFW Post in Dallas.
- Have begun cataloguing new library books into Wagner's collection.
- Former Library Director Cynthia Hovind was awarded a grant through Junior Library Guild for children's books. I have ordered and received one shipment already with more on the way.