

1963

City Code of the City of Oregon City

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CITY CODE

OF

OREGON CITY
OREGON

1963



STERLING CODIFIERS, Inc.

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ORDINANCE NO. 1529

AN ORDINANCE PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF OREGON CITY, OREGON, AND PROVIDING FOR THE ADOPTION OF THE OFFICIAL CODE OF THE CITY.

OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. Thirty Days after the date of passage of this Ordinance the Official City Code of the City of Oregon City, which is hereby approved and accepted, shall be the official Code of all Ordinances of a general and permanent character of the City, and shall be cited as 1963 Code.

Section 2. There is hereby adopted, as a method of perpetual codification, the loose leaf type of binding together with the continuous supplemental service whereby each newly adopted Ordinance of a general nature, amending, altering, adding to, or deleting provisions of this Official City Code is identified by the proper catchline, and is inserted in the proper place in each of the Official copies.

Section 3. At least three (3) copies of this City Code have been filed with the City Recorder on May 9, 1963 and shall at all times be on file and available for inspection in the office of the Recorder. Two (2) copies of this City Code shall be filed with the Librarian of the Supreme Court Library, Salem, Oregon, as required by O.R.S. 221.320.

Read first time and ordered published at an adjourned regular meeting of the Commission held on the 9 day of May, 1963, and to come up for second reading and final passage at an adjourned regular meeting of the Commission to be held on the 21 day of May, 1963, at the hour of 7:00 P.M., Oregon Daylight Time.



Alfred S. Simonson
Recorder



Lee P. Raant
Mayor

TITLES

- I ADMINISTRATIVE
- II COMMISSIONS AND BOARDS
- III DEPARTMENTS
- IV BUILDING REGULATIONS
- V BUSINESS REGULATIONS
- VI POLICE REGULATIONS
- VII FIRE REGULATIONS
- VIII HEALTH AND SANITATION
- IX PUBLIC WAYS AND PROPERTY
- X TRAFFIC
- XI ZONING

TABLE OF CONTENTS

TITLE I

Administrative

City Code	1
Saving Clause	2
Definitions	3
Penalty	4
Bonds	5
Initiative and Referendum	6
Manager	7
Treasurer	8
Commission	9
Recorder	10
Attorney	11
Municipal Judge	12

TITLE II

Commissions and Boards

Planning Commission	1
Civil Service Commission	2
Zoning Board of Adjustment	3
Board of Censors	4

TITLE III

Departments

Fire Department	1
Police Department	2
Water Department	3
Recreation Department	4

TITLE IV

Building Regulations

Building Code	1
Electrical Code	2
Dangerous Buildings	3
Moving Buildings	4
Signs and Banners	5
Plumbing Code	6
Fallout Shelters	7

TITLE V

Business Regulations

Business Definitions	1
General Licenses	2
Bill Posting and Handbills	3
Pool and Billiard Rooms	4
Hotels; Rooming Houses	5
Nursing Homes	6
For-Hire Vehicles	7
Interurban Stage Terminals	8
Junk Shops; Secondhand Dealers	9
Coin Operated Machines	10
Photography	11
Dance Halls	12
Merchant Patrol	13
Soft Drink Parlors	14
Alcoholic Beverages	15
Cosmetic Therapy Schools	16
Trailer Houses	17
Automatic Dry Cleaning Machines	18
Self-Service Laundries	19
Rebound Tumbling Centers	20
Trades; Shops; Professions	21

TITLE VI

Police Regulations

General Offenses	1
Dogs	2
Animals	3
Deadly Weapons	4
Abandoned Containers	5
Curfew	6
Plastic Bags or Coverings	7

TITLE VII

Fire Regulations

Fire Zones	1
Fireworks	2
Fire Prevention Code	3

TITLE VIII**Health and Sanitation**

Eating and Drinking Establishments	1
Tourist Facilities	2
Milk	3
Garbage	4
Sewer Regulations	5
Nuisances	6
Rodent Protection	7

TITLE IX**Public Ways and Property**

Sidewalks	1
Retaining Walls	2
Parkings	3
Excavations	4
Obstructions	5
Numbering of Buildings	6
Weeds	7
Mountain View Cemetery	8
Utility Wires and Poles	9
Subdivision Regulations	10

TITLE X**Traffic**

Adoption of Traffic Regulations	1
Miscellaneous Traffic Rules	2
Parking Meter Regulations	3
Drunken Driving	4
Commercial Parking	5
Congested Traffic District Restrictions	6

TITLE XI**Zoning**

Zoning Definitions	1
Zoning Districts; Map	2
General Zoning Provisions and Exceptions	3
"R-1" One-Family Dwelling District	4
"R-1A" One-Family Dwelling District	5
"R-2" One-Family Dwelling District	6
"R-3" Two-Family Dwelling District	7
"R-4" Multiple Family Dwelling District	8
"C-1" Commercial District	9
"C-2" Commercial District	10
"B" Business District	11
"M-1" Light Industrial District	12
"M-2" Heavy Industrial District	13
Nonconforming Uses	14
Residential Neighborhood Unit Plan	15
Certificate of Occupancy	16
Interpretation; Enforcement	17
Off-Street Parking and Loading	18

INDEX

TITLE I
ADMINISTRATIVE

Subject	Chapter
City Code	1
Saving Clause	2
Definitions	3
Penalty	4
Bonds	5
Initiative and Referendum	6
Manager	7
Treasurer	8
Commission	9
Recorder	10
Attorney	11
Municipal Judge	12

CHAPTER 1
CITY CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Construction of Words
- 1-1-5: Interpretations

1-1-1: **TITLE:** Upon adoption by the Governing Body this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Oregon City. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this City Code by title in any legal document.

1-1-2: **ACCEPTANCE:** This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect.

1-1-3: **AMENDMENTS:** Any ordinance amending this City Code shall set forth the Title, Chapter and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code within thirty-five (35) days from the date of its final passage.

1-1-4: **CONSTRUCTION OF WORDS:** Whenever any word in any Section of this City Code importing the plural number is used, in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any Section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-5: **INTERPRETATIONS:** In the determination of the provisions of each Section of this Code the following rules shall be observed:

- (A) **Intent to Defraud:** Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- (B) **Liability of Employers and Agents:** When the provisions of any Section of this City Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (1963 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings

1-2-1: REPEAL OF GENERAL ORDINANCES: All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed; tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.

1-2-2: PUBLIC UTILITY ORDINANCES: No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

1-2-3: COURT PROCEEDINGS: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this or the preceding Section shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1963 Code)

CHAPTER 3

DEFINITIONS

SECTION:

1-3-1: Definitions, General

1-3-1: DEFINITIONS, GENERAL: Whenever the following words or terms are used in this Code they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: The word "Agent" as used in this Code shall mean a person acting on behalf of another.

CITY: The word "City" as used in this Code shall mean the City of Oregon City.

CODE: The word "Code" unless otherwise specifically stated shall mean this City Code.

EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words of the City of Oregon City.

FEE: The word "Fee" as used in this Code shall mean a sum of money charged by the City for the carrying on of a business, profession or occupation.

KNOWINGLY: The word "Knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The word "License" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

MISDEMEANOR: The word "Misdemeanor" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law.

NEGLIGENT: The word "Negligent", as well as "Neglect", "Negligence", and "Negligently" imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

NUISANCE: The word "Nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of, another person or to the Community.

OCCUPANT: The word "Occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: The word "Offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words of the City of Oregon City.

OPERATOR: The word "Operator" as used in this Code shall mean the person who is in charge of any operation, business or profession.

OWNER: The word "Owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: The word "Person" shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, partnership, or any other form of association or organization.

PERSONAL PROPERTY: The term "Personal Property" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER: The word "Retailer" as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

STREET: The word "Street" shall include alleys, lanes, courts, boulevard, public ways, public square, public places and sidewalks.

TENANT: The word "Tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

WHOLESALER: The words "Wholesaler" and "Wholesale Dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WILFULLY: The term "Wilfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage. (1963 Code)

CHAPTER 5
OFFICERS

SECTION:

- 1-5-1: Officers Designated
- 1-5-2: Qualifications
- 1-5-3: Terms of Office
- 1-5-4: Oath
- 1-5-5: Vacancies
- 1-5-6: Bonds
- 1-5-7: Salaries
- 1-5-8: Acting Officers

1-5-1: OFFICERS DESIGNATED: The government of the City shall be vested in the following officers:

- (A) A Commission of three (3) members.
- (B) A General Manager.
- (C) A Recorder.
- (D) A Treasurer.
- (E) An Attorney.
- (F) A Chief of Police.
- (G) A Water Superintendent.
- (H) An Engineer.
- (I) A Health Officer.
- (J) A Street Superintendent.
- (K) A Municipal Judge.
- (L) Such other officers and employees as may be deemed necessary by the Commission for the proper administration of the City government.¹

1-5-2: QUALIFICATIONS: No person shall be eligible to any elective office who at the time of his election is not a qualified elector according to the Constitution of this State and who has not resided in the City for one (1) year next preceding the election, and unless he owned real property in the City for a period of two (2) years next preceding the election.²

¹. For authority see Charter, Ch. II, Sec. 8.
². For authority see Charter, Ch. II, Sec. 9.

1-5-3: **TERMS OF OFFICE:** The tenure of office for appointive officers shall be subject to the appointment and discretion of the Manager, in the manner prescribed by the Charter, and each of them may be removed by the Manager subject to the provisions of the Charter; provided, that the Commission, by resolution, may require any officer to perform the duties of two (2) or more offices without additional compensation.³

1-5-4: **OATH:** Before entering upon the duties of their respective offices, the appointed or elected officers of the City shall qualify by taking and filing with the Recorder the oath of office as prescribed by the Charter.⁴

1-5-5: **VACANCIES:** All appointive offices shall be deemed vacant whenever the incumbent thereof shall be absent from the City for three (3) days or by death or resignation or upon his ceasing to possess the qualifications required; provided however, that the Commission may grant a leave of absence to any member of the Commission or to the Manager or Recorder for a period of time not exceeding thirty (30) days at one (1) time; and the Manager may grant a leave of absence to any other officer appointed by him, for a period of time not exceeding fifteen (15) days at any one (1) time; provided that no officer shall draw compensation while so absent unless otherwise authorized by the Commission.⁵

1-5-6: **BONDS:** The officers of the City shall furnish good and sufficient surety bonds for the faithful performance of their duties in the following amounts, executed by a surety company authorized to do business in the State: ⁶

Recorder	\$ 2,000.00
Treasurer	20,000.00
Chief of Police	2,000.00 (Ord. 983; 1-16-24)
Manager	1,000.00 (Ord. 1054; 5-14-25)

1-5-7: **SALARIES:** The officers and employees of the City shall receive such compensation as shall be determined by resolution of the Commission from time to time.⁷

1-5-8: **ACTING OFFICERS:** During the temporary absence or inability to act on the part of the Manager or Recorder, the Commission, by resolution, may appoint some qualified person as Acting Manager or Recorder until the absence or inability shall be removed. The Acting Manager or Recorder shall have all of the powers and authority during such period, that the regular officer has. In the absence of any other officer, the Manager may, at his option, appoint some other person so to act in the place of such officer, with like authority

3. For authority see Charter, Ch. II, Sec. 8.

4. For authority see Charter, Ch. III, Sec. 23.

5. For authority see Charter, Ch. IV, Sec. 25.

6. For authority see Charter, Ch. III, Sec. 23.

7. For authority see Charter, Ch. VI, Sec. 38.

and he shall file such temporary appointment with the Recorder. In each case, the temporary appointee shall take the oath of office as in the case of regular appointees, but in no case shall the regular officer receive any salary while his temporary substitute performs the duties of his office. The temporary substitute shall receive such compensation as the Commission shall determine, which compensation shall not exceed the amount of the regular officer.⁸ (1963 Code)

8. For authority see Charter, Ch. IV, Sec. 26.

CHAPTER 6

INITIATIVE AND REFERENDUM

SECTION:

- 1-6- 1: Initiative Petition
- 1-6- 2: Referendum Petition
- 1-6- 3: Verification of Petition
- 1-6- 4: Deviation from Form
- 1-6- 5: Requirements for Signing
- 1-6- 6: Filing of Petition
- 1-6- 7: Number of Signatures Required
- 1-6- 8: Charter Amendment; Submission
- 1-6- 9: Ballot Title
- 1-6-10: Publication Required
- 1-6-11: Qualifications of Petition Signers
- 1-6-12: Voting Upon Measure
- 1-6-13: Publication of Results; When Effective

1-6-1: INITIATIVE PETITION: The following shall be substantially the form of a petition for any ordinance or amendment to the Charter proposed by the Initiative:

Warning

It is a felony for anyone to sign any initiative or referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

Initiative Petition.

To the Honorable _____, Recorder of the City of Oregon City, Clackamas County, Oregon.

We, the undersigned, citizens and legal voters of the City of Oregon City, Clackamas County, Oregon, respectfully demand that the following proposed ordinance (or amendment to the City Charter) shall be submitted to the legal voters of the City of Oregon City, Clackamas County, Oregon, for their approval or rejection at the regular (or special) City election to be held on the _____ day of _____ 19_____, and each for himself says: I have personally signed this petition; I am a legal voter of the City of Oregon City, Clackamas County, Oregon, and my residence and street number are correctly written after my name.

Name _____ Residence _____
Street Number _____
(Here follows twenty (20) numbered lines for signatures.)

1-6-2: REFERENDUM PETITION: The following shall be substantially the form of petition for Referendum to the people on any ordinance passed by the Commission:

Warning.

It is a felony for anyone to sign any initiative or referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

Referendum Petition.

To the Honorable _____, Recorder of the City of Oregon City,
Clackamas County, Oregon.

We, the undersigned, legal voters of the City of Oregon City, Clackamas County, Oregon, respectfully demand that Ordinance No. _____ entitled, (title of ordinance on which the referendum is sought), passed by the Commission of the City of Oregon City at its meeting on the _____ day of _____ 19_____, shall be submitted to the legal voters of the City of Oregon City for their approval or rejection at the regular (or special) City election to be held on the _____ day of _____ 19_____, and each for himself says: I have personally signed this petition; I am a legal voter of the City of Oregon City, Clackamas County, Oregon, and my residence and street number are correctly written after my name.

Name _____ Residence _____

Street Number _____

(Here follows twenty (20) numbered lines for signatures.)

1-6-3: **VERIFICATION OF PETITION:** Each and every sheet of every petition for either the initiative or referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of the petition by affidavit thereon as follows:

State of Oregon,
County of Clackamas,
City of Oregon City.)

I, _____ being first duly sworn, say that (here shall be legibly written or typewritten the name of the signers of the sheet) signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street number correctly, and that each signer is a legal voter of the City of Oregon City.

Subscribed and sworn to before me this _____ day of _____ A. D., 19____

(Signature and title of officer and his residence.)

1-6-4: DEVIATION FROM FORM: The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient disregarding clerical and technical errors.

1-6-5: REQUIREMENTS FOR SIGNING: Not more than twenty (20) signatures shall be signed to one (1) sheet of a petition, and a full and correct copy of the title and text of the measure proposed by the initiative petition or the measure demanded for submission by the referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be shown by the voter before his signature is attached.

1-6-6: FILING OF PETITION: The Recorder of Oregon City shall accept for filing any petition for the Initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the person signing the same by reference to the registration books in the office of the County Clerk of Clackamas County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file the same within ten days after presentation thereof to him.

1-6-7: NUMBER OF SIGNATURES REQUIRED: The initiative petitions for any proposed ordinance, Charter amendment or measure shall be signed by a number of legal voters equal to fifteen per centum (15%) of the votes cast at the last preceding Municipal election. Referendum petitions against any ordinance or measure proposed by the Commission shall be signed by a number of legal voters equal to ten per centum (10%) of the votes cast at the last preceding Municipal election.

1-6-8: CHARTER AMENDMENT; SUBMISSION: An amendment to the Charter of Oregon City, and or ordinance may be proposed and submitted to the legal voters thereof by resolution of or ordinance by the Commission without an initiative petition and or by an initiative petition of the legal voters of Oregon City, as herein provided; the said resolution, ordinance or initiative petition as the case may be, shall state the date of the regular Municipal election or the date of a special election, at which said amendment or ordinance will be submitted to be voted on, and shall be filed with the Recorder at least twenty-one (21) days before the date of the election at which it is to be voted upon.

1-6-9: BALLOT TITLE: When any measure for Initiative or referendum legislation shall be filed by the Recorder after the number and genuineness of signatures thereto have been ascertained, or when any resolution of or ordinance of the Commission be filed with the Recorder, as provided herein, the Recorder shall forthwith transmit to the Attorney for said Municipality a copy of such measure, who shall, within five (5) days, provide and return to the Recorder a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title said Attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure, and in such language that the

ballot title shall not be argument for or liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said Attorney for any such measure, may within five (5) days after said ballot title is returned to the Recorder, appeal to the Commission asking a different title and giving the reasons therefor and stating why the title prepared by the said Attorney is improper, and the Commission shall, by resolution, approve the ballot title prepared by said Attorney or shall by resolution prescribe another ballot title therefor, and the ballot title so approved or so prescribed by the Commission shall be the title placed upon the ballot. Such ballot title shall in no case exceed one hundred (100) words, and shall not resemble in so far as possible any other ballot title filed for any measure to be submitted at the same election. The Recorder of Oregon City shall number such measure and ballot title in the most convenient and consecutive manner. The affirmative of the first measure shall be numbered one hundred (100) and negative one hundred one (101) in numerals, and the succeeding measures shall be numbered one hundred two (102), one hundred three (103), one hundred four (104), one hundred five (105) and so on. It shall be the duty of the Recorder to print said ballot titles and numbers upon the official ballot. Measures referred to the voters by petition shall be designated "Referendum ordered by petition of the people." Measures proposed by the initiative petition, shall be designated "Proposed by initiative petition." Charter amendments submitted by the Commission without initiative petitions shall be designated "Charter amendments submitted to the voters by the Commission."

1-6-10: PUBLICATION REQUIRED: Where a special election is called either on petition for proposed ordinances or Charter amendments by the initiative, or for submitting ordinances by the referendum, or on Charter amendments proposed by resolution of the Commission, the Recorder shall publish such proposed ordinance, referendum measure or Charter amendment is to be voted on with the ballot title and number, or by posting in full in some newspaper of Oregon City or oftener at least ten (10) days immediately preceding the special election at which said proposed ordinance, referendum measure or Charter amendment is to be voted on, or by posting printed or typewritten copies of such measures in at least two (2) conspicuous places in said City for a like period of not less than ten (10) days. A like rule as to publication or posting shall be observed where proposed ordinances, referendum measures or Charter amendments are to be submitted at the regular election.

1-6-11: QUALIFICATIONS OF PETITION SIGNERS: A legal voter of Oregon City is qualified to sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon. Any person signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one (1) election, who is not at the time of signing the same a legal voter of Oregon City, or any officer or other person violating any of the provisions of this ordinance, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the City Jail not exceeding six (6) months, or by both fine and imprisonment, in the discretion of the Municipal Court.

1-6-12: VOTING UPON MEASURE: The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast upon such measure and entitled to be counted thereon. If two (2) or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

The votes on measures and Charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

1-6-13: PUBLICATION OF RESULTS; WHEN EFFECTIVE: The Mayor shall within fifteen (15) days from the time of such election proclaim by the publication thereof in full once in a newspaper published in Oregon City, the adoption of each measure and amendments which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation such measures and amendments shall become in full force and effect.

Where referendum petitions shall be signed by the required number of legal voters against any ordinance passed by the Commission, same shall be filed with the Recorder within thirty (30) days after the passage and approval of the ordinance in question.

CHAPTER 7

MANAGER

SECTION:

- 1-7-1: Appointment
- 1-7-2: Powers and Duties
- 1-7-3: Purchases and Supplies

1-7-1: APPOINTMENT: The Commission shall appoint a Manager whose term of office shall be subject to the discretion of the Commission and who may be removed by the Commission with or without cause.¹.

1-7-2: POWERS AND DUTIES: The Manager shall have absolute control and supervision over all officers and employees of the City except the Commissioners and the Recorder, and shall have the power to appoint all officers as prescribed by the Charter and this Code and to employ such additional help as may be necessary to carry on and perform the business affairs and departmental work of the City. He shall have the power to discharge, subject to the provisions of the Charter, any person appointed or employed by him. He shall see that the business affairs of the City are transcribed in a modern, scientific and businesslike manner. He shall be accountable to the Commission for his actions, conduct and management of the business and may be discharged at the will of the Commission with or without cause.²

1-7-3: PURCHASES AND SUPPLIES: The Manager shall be the custodian of all personal property and supplies belonging to the City and shall be personally liable to the City for the same. He shall purchase by requisition all supplies needed by the City. The requisition shall be in writing and a duplicate copy kept on file in the office of the Recorder, and a copy kept on file by the Manager.

In cases of emergency where the estimated costs exceed two hundred dollars (\$200.00), the requisition shall have the endorsement of the Mayor. If no emergency exists, a requisition for supplies, the estimated cost of which is above one hundred dollars (\$100.00), shall first be approved by the Commission. Whenever he considers it practical and advantageous the Manager shall advertise by circular letter or otherwise for competitive proposals. Materials and supplies shall be reduced from the inventory only upon requisition, which requisition shall specify the department and purpose for which the same was used. A carbon copy shall be filed with the Recorder, and a copy kept on file by the Manager. He shall make a monthly report of the business done during the month and file the same with the Commission.

He shall perform such other duties as may be required by the provisions of this Code or order of the Commission. He shall devote his entire time to the business of the City.³ (1963 Code)

1. For authority see Charter, Ch. II, Sec. 7.

2. For authority see Charter, Ch. VII, Sec. 43.

3. For authority see Charter, Ch. VII, Sec. 44.

CHAPTER 8
TREASURER

SECTION:

1-8-1: Appointment
1-8-2: Duties

1-8-1: **APPOINTMENT:** The Treasurer shall be appointed by, and shall serve at the discretion of the Manager.

1-8-2: **DUTIES:** The Treasurer shall receive and safely keep all moneys that shall come into his hands belonging to the City and shall pay the same over upon a warrant signed by the Mayor and the Recorder. He shall keep a correct account of his receipts and disbursements, and at all times shall keep his books open for inspection by the Commission, the Manager or any other interested party. At the expiration of his term of office, or upon his removal therefrom, he shall turn over to his successor all moneys, books and papers in his custody belonging to that office. He shall perform such other duties as are provided for by the Charter, provisions of this Code, and special orders of the Commission. He shall file with the Commission at the end of each month a report of all income and disbursements during the month, showing balances or debits in all accounts. 1.(1963 Code)

1. For authority see Charter, Ch. VII, Sec. 49.

CHAPTER 9

COMMISSION

SECTION:

- 1-9-1: Term
- 1-9-2: Meetings
- 1-9-3: Quorum
- 1-9-4: Rules of Procedure
- 1-9-5: Administrative Departments

1-9-1: TERM: The term of each Commissioner shall be six (6) years and until his successor is elected and qualified. His term of office shall commence on the second day of January after his election unless such date shall fall on a legal holiday in which case his term shall commence on the following day. ¹.

1-9-2: MEETINGS: The Commission shall hold a regular monthly meeting on the first Wednesday of each month at such time as the Commission may fix by resolution; provided, that if such meeting shall be on a legal holiday then the meeting shall be held on the following day. The Commission may adjourn to the next succeeding meeting, or to some specified time prior thereto, and it may be convened by the Mayor or a majority of the members of the Commission, at any time upon personal notice being served on the members of the Commission, not less than six (6) hours before the meeting. The notice shall be signed by the Mayor, or by two (2) members of the Commission, and proof of such service shall be made in the same manner as service of summons in the Circuit Court, and shall be filed in the office of the Recorder. ².

1-9-3: QUORUM: A majority of the members of the Commission shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members. The affirmative or negative vote of two (2) members shall be sufficient to determine any question or matter under consideration by the Commission. ³.

1-9-4: RULES OF PROCEDURE: The Commission may adopt rules for the government of the conduct of its members and proceedings. It must keep a Journal of its proceedings, and on call of any member must cause the yeas and nays to be taken and entered on its Journal upon any question before it. Its deliberations, proceedings and the records thereof must be public. ⁴. (1963 Code)

1. For authority see Charter, Ch. VI, Sec. 32.

2. For authority see Charter, Ch. VI, Sec. 33 and 37.

3. For authority see Charter, Ch. VI, Sec. 34.

4. For authority see Charter, Ch. VI, Sec. 35.

1-9-5: ADMINISTRATIVE DEPARTMENTS: There shall be three (3) departments of the City administration, each in the immediate charge of one (1) Commissioner, to which he has been assigned by the Commission.

Department No. 1 shall have charge of recreation, health, streets and planning.

Department No. 2 shall have charge of police, finance, Municipal Court and law.

Department No. 3 shall have charge of water, fire and public property. ^{5.}
(Ord. 1418; 2-9-55 as amd. by 1963 Code)

^{5.} For authority see Charter, Ch. II, Sec. 5.

CHAPTER 10
RECORDER

SECTION:

- 1-10-1: Recorder to Keep Records
- 1-10-2: Recorder to Issue Licenses
- 1-10-3: Financial Accounts

1-10-1: RECORDER TO KEEP RECORDS: The Recorder shall attend all meetings of the Commission and keep an accurate record of its proceedings, and file and keep all books, papers, maps and records connected with the business of the Commission. It shall also be his duty to submit to the Commission at the end of the fiscal year a statement which shall set forth the condition of the City finances. He shall keep a report of the trials held in the Municipal Court, showing the disposition of all cases and all fees received therein.

1-10-2: RECORDER TO ISSUE LICENSES: The Recorder shall issue all licenses authorized by this Code upon the payment of the amount of money required for such license and shall keep a register showing to whom granted and for what time and for what purpose.

1-10-3: FINANCIAL ACCOUNTS: The Recorder shall collect and receive all funds that may be due the City from any source. He shall keep the accounts of the City by a double entry system with proper segregation of accounts to show all the assets and liabilities of the City. At the close of each month a trial balance shall be taken and monthly financial statements made and filed with the Commission. The books shall be balanced and closed at the end of each year, and shall be audited annually by a qualified public accountant.¹ (1963 Code)

¹. For authority see Charter, Ch. VII, Sec. 45.

CHAPTER 11

ATTORNEY

SECTION:

- 1-11-1: Appointment
- 1-11-2: Qualifications
- 1-11-3: Duty to Prosecute
- 1-11-4: Legal Advisor

1-11-1: **APPOINTMENT:** The Attorney shall be appointed by, and shall serve at the discretion of the Manager.

1-11-2: **QUALIFICATIONS:** The Attorney shall be an attorney of the Supreme Court of the State, and shall be an elector of the City and the State at the time of his appointment.

1-11-3: **DUTY TO PROSECUTE:** The Attorney shall be the public prosecutor of the City. It shall be his duty to diligently inquire into and prosecute in the Municipal Court all violations and infractions of the laws of the City, and he shall be the legal representative of the City in any case in which the City is a party.

1-11-4: **LEGAL ADVISOR:** The Attorney shall be the legal advisor of all City officers, and it shall be his duty to prepare all proposed amendments to the Charter, ordinances, contracts, bonds or other legal papers on the request of the proper officials, in which the City is a party or interested. He shall perform such other duties as may be prescribed by the provisions of this Code or order of the Commission. ¹ (1963 Code)

¹. For authority see Charter, Ch. VII, Sec. 50.

CHAPTER 12

MUNICIPAL JUDGE

SECTION:

- 1-12-1: Appointment
- 1-12-2: Municipal Court
- 1-12-3: Jurisdiction
- 1-12-4: Right to Appeal

1-12-1: **APPOINTMENT:** The Commission shall appoint a Municipal Judge whose term of office shall be subject to the discretion of the Commission and who may be removed by the Commission with or without cause.

1-12-2: **MUNICIPAL COURT:** The Municipal Judge shall hold a court within the City at such place as the Commission shall provide, and the Court shall be known as the Municipal Court.

1-12-3: **JURISDICTION:** The Municipal Judge shall have jurisdiction over all crimes and offenses made punishable by the provisions of this Code, and of actions brought to recover or enforce any forfeiture or penalty declared or given by any such provision with a jury, if the same be demanded by either party to the action at any time before trial; provided, that the lawful fees therefor and the expenses of impaneling the same be paid by the party demanding the jury.

1-12-4: **RIGHT TO APPEAL:** Any person convicted in the Municipal Court for any offense defined and made punishable by the provisions of this Code or the Charter shall have the same right of appeal to the Circuit Court of the State as is provided by law for taking appeals from Justice Courts.¹ (1963 Code)

1. For authority see Charter, Ch. VII, Sec. 45A.

CHAPTER 14
LOCAL IMPROVEMENT DISTRICTS

SECTIONS:

- 1-14- 1: Initiation of Proceedings
- 1-14- 2: Report of the Engineer
- 1-14- 3: Action on Engineer's Report
- 1-14- 4: Resolution and Notice of Hearing
- 1-14- 5: Hearing and Action on Improvement
- 1-14- 6: Advertisement and Contract
- 1-14- 7: Assessment - Proposed
- 1-14- 8: Assessment - Final
- 1-14- 9: Assessment - Method
- 1-14-10: Alternative Methods of Financing
- 1-14-11: Remedies
- 1-14-12: Lien Records and Foreclosure Proceedings
- 1-14-13: Errors in Assessment Calculations
- 1-14-14: Deficit Assessment
- 1-14-15: Rebates
- 1-14-16: Abandonment of Proceedings
- 1-14-17: Curative Provisions
- 1-14-18: Reassessment
- 1-14-19: Bancroft Bonding Act
- 1-14-20: Mailing of Notices
- 1-14-21: Segregation of Assessments; Fees

1-14-1: INITIATION OF PROCEEDINGS:

- (A) Whenever the Commission deems it expedient to construct, alter, repair, improve, widen or extend any street, alley, sidewalk, parking, curbing, or any part thereof, or to construct, alter or install street lights, or to construct, improve or repair any sanitary or storm sewer or waterline or any part thereof, or to acquire, establish, construct or reconstruct any off-street

- A) motor vehicle parking facility; or to construct, reconstruct or repair any flood-control facility or to construct, reconstruct, repair or equip a park, playground or neighborhood recreation facility, for which it is anticipated that special assessments will be levied, it shall by motion direct the City Engineer or engineer retained by the City to make an investigation of such project and to submit a written report, containing the information specified in Section 1-14-2.
- (B) Whenever the owners of at least sixty percent (60%) of the front footage of the abutting property in any area consisting of at least three hundred feet (300') of road desire to form themselves into an improvement district for the purpose of accomplishing any of the objectives listed in subsection (A) of this Section, they may, by written petition, request the Commission to direct the City Engineer to submit a report as specified in subsection (A) of this Section. The Commission, if satisfied the petition is signed by the owners of at least sixty percent (60%) of the front footage of the abutting property within the district specified in the petition, may pass the requested motion. The petition referred to in this subsection must be filed with the recorder not less than ten (10) days prior to any regular meeting of the Commission.

1-14-2: REPORT OF THE ENGINEER:

- (A) The City Engineer or the engineer retained by the City shall file the report with the Recorder within the time specified by the Commission. At the discretion of the Commission, the time for filing the report may be extended.
- (B) The report shall contain the following:
 1. A map or plat showing the general nature, location and extent of the proposed improvement and the land to be included in the proposed improvement district;
 2. Estimated cost of the work to be done, including any legal, administrative and engineering costs attributable thereto; provided, however, that where the proposed project is to be carried out in cooperation with any other governmental agency, the engineer may adopt the estimates of such agency;
 3. An analysis of the extent to which the proposed improvement benefits the entire City and a recommendation as to the method of determining the project costs that will be borne by the entire City;

- B) 4. The description and assessed value of each lot, parcel of land, or portion thereof, to be specifically benefited by the improvement, with the names of the record owners thereof, and when readily available, the names of the contract purchasers thereof;
- 5. A statement of outstanding assessments against property to be assessed.

1-14-3: ACTION ON ENGINEER'S REPORT: After the Engineer's report has been filed with the City Recorder, the Commission may thereafter by motion approve the report, modify the report and approve it as modified, require the Engineer to supply additional or different information for such improvement, or it may abandon the improvement.

1-14-4: RESOLUTION AND NOTICE OF HEARING:

- (A) After approving the Engineer's report as submitted or modified, the Commission shall, by resolution, declare its intention to make such improvement, provide the manner and method of carrying out the improvement and shall direct the Recorder to give notice of such improvement by posting at the City Hall and at two (2) places within the benefited area, and by mailing copies of such notice to the owners to be assessed for the costs of such improvements.
- (B) The notice shall be mailed and posted at least ten (10) days prior to the public hearing on the proposed improvement.
- (C) The notice shall contain the following:
 - 1. A statement describing the proposed improvement, the area to be served, and the intention of the Commission to make such an improvement;
 - 2. The place and times at which the Engineer's report on the proposed improvement may be examined;
 - 3. The date, time and place of the public hearing on the proposed improvement;
 - 4. The procedure for presenting objections and remonstrances;
 - 5. The estimated total cost of the project or the cost of that portion of the project to be financed by assessments to benefited properties.

1-14-5: HEARING AND ACTION ON IMPROVEMENT:

- (A) If, prior to or during the hearing, written objections are received from owners representing two-thirds (2/3) of the area to be assessed, the improvement proceedings shall be abandoned and shall not be subject to a further hearing for at least three (3) months. The Commission, after receiving objections from owners representing less than two-thirds (2/3) of the area to be assessed may adopt or amend the Engineer's report and, as amended, adopt the same by resolution.
- (B) Having by resolution created a local improvement district of the area to be benefited by the proposed improvement, the Commission shall direct, in said resolution or by subsequent action, the City Engineer or any engineer retained by the City to prepare detailed plans, specifications and cost estimates for the proposed improvement.

1-14-6: ADVERTISEMENT AND CONTRACT:

- (A) The Commission shall review the final plans, specifications and cost estimate and finding same to be consistent with the the preliminary plans and cost estimates adopted in the Engineer's report, shall by resolution adopt the final plans and specifications and, direct City personnel to construct the proposed improvements or direct the City Recorder to advertise for bids on the project according to the final plans and specifications. The City shall provide for the bonding of all contractors for the faithful performance of any contract let under its authority, and the provisions thereof in case of default shall be enforced by action in the name of the City.
- (B) If the Commission finds, upon opening bids for the work of such improvement, that the lowest responsible bid is fifteen percent (15%) in excess of the Engineer's estimate, it shall provide for holding a hearing of objections to proceeding with the improvement on the basis of such bid, and it shall direct the City Recorder to publish one notice thereof in a newspaper of general circulation in the City. Notice shall state the purpose, date, time and place of the hearing. After the hearing, the Commission shall determine whether the bid shall be accepted or rejected.

1-14-7: ASSESSMENT - PROPOSED:

- (A) After the Commission, by resolution, has created a local improvement district, the Commission shall direct the City Recorder to determine the proposed cost to each property benefited by the improvement. If assessment is to be made prior to construction of the improvement, the

- A) cost determination shall be based upon the estimates contained in the Engineer's report and the determination of proposed individual and specific property assessments shall be known as the preliminary preassessment roll. If assessment is to be made following construction of the improvement, determination shall be based upon actual construction costs and related costs and the determination of proposed individual and specific property assessment shall be known as the preliminary assessment roll.
- (B) Notice of such proposed assessment shall be mailed or personally delivered to the owner of each lot proposed to be assessed, which notice shall state the amounts of assessment proposed on that property and shall fix a date by which time objections shall be filed with the City Recorder. Such date shall be at least fourteen (14) days from the date of the mailing or personal delivery of the notices. Any objection filed with the Recorder must state the grounds of the objection.

1-14-8: ASSESSMENT - FINAL:

- (A) The Commission shall consider all objections to the preliminary assessment roll, which are timely filed with the City Recorder, and after such consideration the Commission shall, by resolution, levy, or amend and levy the proposed assessments presented by the City Recorder. Said assessments to be then known as either the final assessment roll or the final preassessment roll. Promptly after passage of the resolution levying the final assessments, the Recorder shall send by registered or certified mail a notice of final assessment to all owners of property being assessed.
- (B) The notice of final assessment shall contain the following:
 1. A brief description of the improvement;
 2. The procedure for cash payment or for applying for financing;
 3. The final assessment levied on property owned by the recipient.

1-14-9: ASSESSMENT - METHOD: The Commission in adopting a method of assessment of the costs of the improvement may:

- (A) Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived;
- (B) Use any method of apportioning the sum to be assessed as is just and reasonable between the properties determined to be specially benefited;

(C) Authorize payment by the City of all, or any part of, the cost of any such improvement, when in the opinion of the Commission the topographical or physical conditions, or unusual or excessive public travel, or other character of the work involved warrants only a partial payment or no payment by the benefited property of the costs of the improvement.

1-14-10: ALTERNATIVE METHODS OF FINANCING:

(A) Nothing contained in this Chapter shall preclude the Commission from using any other available means of financing improvements, including Federal or State grants in aid, revenue bonds, general obligation bonds, or any other legal means of finance.

(B) In the event that such other means of financing improvements are used, the Commission may, in its discretion, levy special assessments according to the benefits derived to cover any remaining part of the costs of the improvement according to the procedures provided in this Chapter.

1-14-11: REMEDIES:

(A) Subject to the curative provisions of Section 1-14-17 and the rights of the City to reassess as provided in Section 1-14-18, proceedings for writs of review and suits in equity may be filed not earlier than thirty (30) days nor later than sixty (60) days after the filing of written objections as provided in this Chapter.

(B) A property owner who has filed written objections with the City Recorder prior to the consideration by the Commission of objections to the preliminary assessments, may have the right to apply for a writ of review based upon the Commission exercising its functions erroneously or arbitrarily or exceeding its jurisdiction to the injury of some substantial right of such owner if the facts supporting such claim have been specifically set forth in the written objections.

(C) A property owner who has filed written objection with the City Recorder prior to the consideration by the Commission of objections to the preliminary assessments, may commence a suit for equitable relief based upon a total lack of jurisdiction on the part of the City; and if notice of the improvement had not been sent to the owner and if the owner did not have actual knowledge of the proposed improvement prior to the consideration by the Commission of objections to the preliminary assessments, then the owner may file written objections alleging lack of

- C) jurisdiction with the City Recorder within thirty (30) days after receiving notice or knowledge of the improvement.
- (D) No provision of this Section shall be construed so as to lengthen any period of redemption or so as to affect the running of any statute of limitation.
- (E) Any proceeding on a writ of review or suit in equity shall be abated if proceedings are commenced and diligently pursued by the Commission to remedy or cure the alleged errors or defects.

1-14-12: LIEN RECORDS AND FORECLOSURE PROCEEDINGS:

- (A) After passage of the assessment resolution by the Commission, the City Recorder shall enter in the docket of City liens a statement of the amounts assessed upon each particular lot, parcel of land or portion thereof, together with a description of the improvement, the name of the owners and the date of the assessment resolution.
- (B) Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the respective lots, parcels of land or portions thereof, which have been assessed for such improvement.
- (C) All assessment liens of the City shall be superior and prior to all other liens or encumbrances on property insofar as the laws of the State permit.
- (D) Interest shall be charged at the rate of ten percent (10%) per year until paid on all amounts not paid within thirty (30) days from the date of the assessment resolution; and after expiration of thirty (30) days from the date of such assessment resolution, the City, provided the owner has not applied for Bancroft or other City approved financing, may proceed to foreclose or enforce collection of the assessment liens in the manner provided by the general law of the State; provided, however, that the City may, at its option, enter a bid for the property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under the laws of the State to redeem such property.

1-14-13: ERRORS IN ASSESSMENT CALCULATIONS:

- (A) Claimed errors in the calculation of assessments shall be called to the attention of the City Recorder, who shall determine whether there has been an error in fact.

(B) If the recorder finds there has been an error in fact, he shall recommend to the Commission an amendment to the assessment resolution to correct such error, and upon enactment of such amendment, the City Recorder shall make the necessary correction in the docket of City liens and send a correct notice of assessment by registered or certified mail.

1-14-14: DEFICIT ASSESSMENT:

(A) In the event that an assessment is made before the total cost of the improvement is ascertained, and if it is found the amount of the assessment is insufficient to defray the expenses of the improvement, the Commission may, by motion, declare such deficit and prepare a proposed deficit assessment.

(B) The Commission shall set a time for a hearing of objections to such deficit assessment and shall direct the City Recorder to publish one notice at least ten (10) days prior to the hearing in a newspaper of general circulation in the City.

(C) After such hearing the Commission shall make a just and equitable deficit assessment by resolution, which shall be entered in the docket of City liens as provided by this Chapter, and notices of the deficit assessment shall be posted and mailed and the collection of the assessment shall be made in accordance with applicable sections of this Chapter.

1-14-15: REBATES:

(A) If, upon the completion of the improvement project, it is found the assessment previously levied upon any property is more than sufficient to pay the costs of such improvements, then the Commission must ascertain and declare the same by resolution, and when so declared, the excess amounts must be entered on the lien docket as a credit upon the appropriate assessment.

(B) In the event any assessment has been paid, the person who paid the same, or his legal representative, shall be entitled to the repayment of such rebate credit, or the portion thereof which exceeds the amount unpaid on the original assessment.

1-14-16: ABANDONMENT OF PROCEEDINGS: The Commission shall have full power and authority to abandon and rescind proceedings for

improvements made under this Chapter at any time prior to the final completion of such improvements, and if liens have been assessed upon any property under such procedure, they shall be cancelled, and any payments made on such assessments shall be refunded to the person paying the same, his assigns or legal representatives.

1-14-17: CURATIVE PROVISIONS:

(A) No improvement assessment shall be rendered invalid by reason of a failure of the Engineer's report to contain all of the information required by Section 1-14-2 or by reason of a failure to have all the information required to be in the improvement resolution, the assessment resolution, the lien docket or notices required to be published and mailed, nor by the failure to list the name of, or mail notice to, the owner of any property as required by this Chapter, or by reason of any other error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings or steps specified in this Chapter, unless it appears to the Commission that the assessment is unfair or unjust in its effect upon the person complaining, and the Commission shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.

1-14-18: REASSESSMENT: When any assessment, deficit or reassessment for any improvement which has been made by the City has been, or shall be, set aside, annulled, declared or rendered void, or its enforcement restrained by any court of this State, or any Federal Court having jurisdiction thereof, or when the Commission is in doubt as to the validity of such assessment, deficit assessment, or reassessment, or any part thereof, then the Commission may make a reassessment in the manner provided by the laws of the State.

1-14-19: BANCROFT BONDING ACT: The provisions of Oregon Revised Statutes Sections 223.205 through 223.300 commonly known as the Bancroft Bonding Act, together with amendments or future amendments thereof, are adopted and made a part of this Chapter by reference.

1-14-20: MAILING OF NOTICES: A notice shall be deemed mailed when it is sent to the owner's address shown in the Clackamas County Assessor's records, to the owner's last address known to the City, or to the owner at "Oregon City, Oregon".

1-14-21: SEGREGATION OF ASSESSMENTS; FEES: Whenever an application has been made under the provisions of Section 1-14-10 (and the Bancroft Bonding Act as therein adopted), and the application has been accepted and the payment of the assessment has been in fact financed by such procedure, the lien of such assessment may be segregated upon the following terms and conditions:

- (A) The property for which the segregation is to be made shall have been assessed as a unit and entered accordingly in the docket of liens.
- (B) There shall be no delinquent installments of principal or interest on the assessment of the entire parcel.
- (C) Written application shall be made to the City in such form as may be required, and such application shall be accompanied by the fees established as hereafter provided. The written application must be submitted by the owner, mortgagee, or lienholder of a parcel of real property that was formed from the partition or other division of the larger tract of real property against which the assessment was originally levied. No apportionment shall be granted unless the applicant filed a true copy of the deed, mortgage, or instrument creating the new parcel or parcels.
- (D) Apportionment of the assessment shall be made by the City Recorder and approved by resolution of the Commission. In accomplishing apportionment, the installments remaining unpaid shall be prorated among the smaller parcels so that each parcel shall be charged with the percentage of the remaining installment payments equal to the percentage of the unpaid assessment charged to the parcel upon apportionment.
- (E) In order to help defray the costs of investigation, preparing legal descriptions, calculating an equitable division of the assessment and making lien docket entries, the Commission may by resolution establish and from time to time amend a schedule of fees to be paid with any application filed under this Section. Such fees shall not be refundable if the application is disapproved or the applicant withdraws his application. (Ord. 84-1004, 4-12-84)

TITLE II
COMMISSIONS AND BOARDS

Subject	Chapter
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Planning Commission.....	1
Civil Service Commission	2
Zoning Board of Adjustment.....	3
Board of Censors	4

CHAPTER 1

PLANNING COMMISSION

SECTION:

- 2-1- 1: Created; Members
- 2-1- 2: Officers; Organization
- 2-1- 3: Quorum; Meetings
- 2-1- 4: Employment of Assistants
- 2-1- 5: Powers and Duties
- 2-1- 6: Maps; Plats; Approval
- 2-1- 7: Boundary Changes; Submission; Recommendations
- 2-1- 8: Buildings; Location Recommendations
- 2-1- 9: Gifts; Bequests; Disposition of
- 2-1-10: General Powers Conferred by State Law
- 2-1-11: Recommendations to be in Writing
- 2-1-12: Expenditures

2-1-1: CREATED; MEMBERS: There is hereby created a Planning Commission for the City.

The Planning Commission shall consist of the Mayor, the Attorney, the Engineer, ex officio, and of seven (7) other members to be appointed by the Mayor, not more than two (2) of whom shall be nonresidents of the City. At the first meeting of the Planning Commission, the seven (7) appointed members shall choose their term of office by lot as follows: One (1) for one (1) year; two (2) for two (2) years; two (2) for three (3) years, and two (2) for four (4) years, and shall immediately thereafter notify the Mayor and Commission in writing of such allotment. Their successors shall hold office for four (4) years. Any vacancy shall be filled by the Mayor for the unexpired portion of the term.

2-1-2: OFFICERS; ORGANIZATION: The Planning Commission, at its first meeting, shall elect a President and Vice President, who shall be members appointed by the Mayor and who shall hold office during the pleasure of the Planning Commission.

Members of the Planning Commission shall receive no compensation. The Planning Commission shall elect a Secretary who need not be a member of the Commission. The Secretary shall keep an accurate record of all proceedings of the Planning Commission, and the Planning Commission shall, on the first day of October of each year, make and file with the City Commission a report of all transactions of the Commission.

2-1-3: QUORUM; MEETINGS: Five (5) members of the Planning Commission shall constitute a quorum; provided, however, that at least four (4) members appointed by the Mayor shall at all times constitute a part of the quorum. The Planning Commission may make and alter rules and regulations

for its government and procedure consistent with the laws of the State and with the City Charter and provisions of this Code and shall meet at least once a month, at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the President or by three (3) members by written notice served upon each member of the Commission at least three (3) hours before the time specified for the proposed meeting.

2-1-4: EMPLOYMENT OF ASSISTANTS: The Planning Commission shall have power and authority to employ consulting advice on Municipal problems, a Secretary and such clerks as may be necessary, and to pay for their services and for such other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, out of such funds as are theretofore placed at the disposal of the Planning Commission by the City Commission.

2-1-5: POWERS AND DUTIES: It shall be the duty of the Planning Commission, and they shall have power, except as otherwise provided by law, to recommend and make suggestions to the Commission and to all other public authorities concerning the laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, the establishment of setback lines, the relief of traffic congestion, the betterment of housing and sanitation conditions and the establishment of zones of districts limiting the use, height, area and bulk of buildings and structures; to recommend to the Commission and all other public authorities plans for the regulations of the future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with the future growth and development of the City in order to secure to the City and its inhabitants, sanitation, proper service of all public utilities, and transportation facilities; to do and perform any and all other acts and things necessary or proper to carry out the provisions of this Chapter; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City, and of the area six (6) miles adjacent thereto.

2-1-6: MAPS; PLATS; APPROVAL: All maps, plats, and replats of land laid out in building lots and the streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the City Limits, and all plans or plats for vacating or laying out, widening, extending, parking and locating streets or plans for public buildings shall first be submitted to the Planning Commission by the Engineer or other proper Municipal officer, and a report thereon from the Planning Commission secured in writing before approval shall be given by the proper Municipal official.

All plans, plats, or replats of lands laid out in lots or plats within the City, including the streets, alleys and other portions of the same intended to be dedicated to public or private use, and all plats or deeds dedicating land to public use outside the limits of the City, but within six (6) miles of the limits of the City, shall first be submitted to the Planning Commission and approved by it before they shall be recorded.

2-1-7: BOUNDARY CHANGES; SUBMISSION; RECOMMENDATIONS: Copies of all proposed ordinances for the establishment of the boundaries of any zone or district provided by Section 2-1-5 of this Chapter, and of all proposed ordinances regulating or limiting the use, height, area, bulk, and construction of buildings to be submitted to the Commission shall, before the same are presented to the Commission be first submitted by the Recorder to the Planning Commission for recommendation, and the Recorder shall immediately so notify the Commission of such submission to the Planning Commission, and the Planning Commission shall make its recommendation therein in writing to the Commission; provided, that the Planning Commission shall first hold a public hearing at such time and place as may be directed by the Commission, and make a careful and appropriate investigation thereon; and hereafter, before final action shall be taken by the City Commission, or any department of the City government, on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground or public grounds the same shall be submitted to the Planning Commission for consideration and report; and provided further that unless the City Commission definitely names a longer period for the return of a report specified herein, the approval of the Planning Commission to any matter so referred to it in accordance with the provisions of this Chapter, shall be deemed to have been given at the end of thirty (30) days after the receipt of the same in writing by its Secretary unless the Planning Commission shall submit a report thereon prior to that time.

2-1-8: BUILDINGS; LOCATION RECOMMENDATIONS: The Planning Commission may make recommendations to any person or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person or public authority; provided however, such recommendation shall not have the force or effect of a law or ordinance, except as prescribed by the Laws of the State or by the City. Any person or public authority having charge of the construction, placing or designing of buildings or other structures and improvements, may call upon the Planning Commission for a report thereon.

2-1-9: GIFTS; BEQUESTS; DISPOSITION OF: The Planning Commission may receive gifts, bequests or devises of property to carry out any of the purposes of this Chapter, which property shall be set over to the City to be used by it in the furtherance of the purposes of this Chapter pursuant to the recommendations of the Planning Commission, immediately upon the acceptance and approval of the recommendations of the Planning Commission.

2-1-10: GENERAL POWERS CONFERRED BY STATE LAW: The Planning Commission shall also have all the powers which are now, or may hereafter be given to it under the general laws of the State, except as herein set forth.

2-1-11: RECOMMENDATIONS TO BE IN WRITING: All recommendations made to the City Commission by the Planning Commission shall be in writing.

2-1-12: EXPENDITURES: The Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money, except as herein provided, and then only after the City Commission shall have first authorized such expenditures for the purpose from time to time by appropriate resolution, which resolution shall provide the administrative method by which the funds shall be drawn and expended. (Ord. 1350; 2-4-48)

CHAPTER 2

CIVIL SERVICE COMMISSION

— SECTION:

- 2-2- 1: Definitions
- 2-2- 2: Civil Service System
- 2-2- 3: Civil Service Commission
- 2-2- 4: Commission Meetings
- 2-2- 5: Quorum and Vote
- 2-2- 6: Commission Chairman
- 2-2- 7: Chief Examiner
- 2-2- 8: Secretary
- 2-2- 9: City Officials to Assist Commission
- 2-2-10: Legal Action and Counsel
- 2-2-11: Commission Records
- 2-2-12: Rules and Regulations
- 2-2-13: Investigations
- 2-2-14: Reports to Commission Required
- 2-2-15: Civil Service Roster
- 2-2-16: Payroll Certification
- 2-2-17: Payments to Noncertified Persons Prohibited
- 2-2-18: Induction of Present Employees into Civil Service System
- 2-2-19: City Commission to Create Positions; Fix Compensation
- 2-2-20: Commission to Classify Positions
- 2-2-21: Examinations
- 2-2-22: Civil Service Register
- 2-2-23: Certification of Eligible Candidates
- 2-2-24: Appointments to Civil Service Positions
- 2-2-25: Temporary Appointments
- 2-2-26: Leave of Absence
- 2-2-27: Transfer or Reinstatement
- 2-2-28: Tenure; Grounds for Disciplinary Action
- 2-2-29: Dismissal Procedure; Investigation; Enforcement of Findings
- 2-2-30: Illegal Acts
- 2-2-31: Contributions not Required; Certain Political Activity Prohibited
- 2-2-32: Budget
- 2-2-33: Appeal

- 2-2-1: DEFINITIONS: As used in this Chapter, unless the context clearly requires otherwise, the following terms shall mean:
 - APPOINTMENT: The word "Appointment" shall mean all means of selecting or employing any person to hold a position subject to the civil service system created under this Chapter.
 - COMMISSION: The word "Commission" shall mean the Civil Service Commission created under this Chapter.

COMMISSIONER: The word "Commissioner" shall mean a member of the Civil Service Commission.

EMPLOYEE: The word "Employee" shall mean a City employee who holds a full time position of City service except elected officials as provided for in the Charter, the General Manager, Administrative Assistant, Recorder, Attorney and the Health Officer.

CLASSIFICATION: The word "Classification" shall mean a group of positions sufficiently alike in duties, authority and responsibilities to require the same qualifications.

2-2-2: CIVIL SERVICE SYSTEM:

- (A) There is hereby established a civil service system for all full time employees of the City as herein defined.
- (B) Except as otherwise expressly provided in this Chapter, the appointment and promotion of all persons to positions covered by civil service shall be made solely upon merit, efficiency, and fitness, which shall be ascertained by open competitive examination and investigation among qualified personnel.

2-2-3: CIVIL SERVICE COMMISSION: There is hereby established a Civil Service Commission composed of three (3) members appointed by the Mayor with the consent of the City Commission. The term of office of each member of the Commission shall be four (4) years, and each shall serve without compensation; provided, however, of the members first appointed to the Commission, one (1) shall serve for a term of two (2) years, one (1) shall serve for a term of three (3) years, and one (1) shall serve for a term of four (4) years. No member of the Commission shall be a member of the City Commission or an officer or employee of the City. The City Commission may remove any Commissioner for incompetency, dereliction of duty, or other good cause, after giving him due notice in writing of the charges against him and an opportunity to be heard publicly on such charges before the City Commission.

2-2-4: COMMISSION MEETINGS:

- (A) The Commission shall hold a meeting at least once each quarter at a time and place which it designates.
- (B) Special meetings shall be called upon the request of any Commission member, the Mayor, the Manager, or the City Commission. Any person subject to civil service may request a special meeting of the Commission, which request shall be granted when good cause is shown therefor.

2-2-5: QUORUM AND VOTE:

- (A) Two (2) members of the Commission shall constitute a quorum.

— (B) The votes of any two (2) Commissioners concurring shall be sufficient for decisions in all matters and transactions under this Chapter.

— 2-2-6: COMMISSION CHAIRMAN: At its first meeting, and thereafter at its first meeting each year, the Commission shall elect a Chairman from its membership.

— 2-2-7: CHIEF EXAMINER:

— (A) The Commission shall appoint a Chief Examiner to supervise or conduct the competitive examination prescribed by this Chapter. Except as provided in Subsection (B) of this Section, the Chief Examiner so appointed shall be subject to the civil service system established under this Chapter and shall be appointed as a result of a competitive examination open to all properly qualified persons. No employee of the City is eligible to serve as Chief Examiner or as an examiner.

— (B) Any existing civil service secretary or examiner of a governmental agency within the State may be designated an examiner and retained by the Commission if he holds his position by reason of a competitive civil service examination.

— (C) The Commission may enter an agreement with any civil service commission or board in this State to have that agency prepare, supervise, or conduct the giving of the competitive examinations required by this Chapter.

— 2-2-8: SECRETARY:

— (A) The Commission shall appoint a Secretary who shall keep records of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations and investigations held or made under the direction of the Commission, and perform such other duties as it may prescribe.

— (B) The Chief Examiner may serve as the Commission's Secretary.

— 2-2-9: CITY OFFICIALS TO ASSIST COMMISSION: All officers of the City shall afford the Commission meeting space necessary to carry on the business of the Commission, office supplies, equipment and clerical assistance as the Commission may consider necessary and reasonable facilities and assistance in inspecting books, papers, documents, and accounts relating to positions subject to civil service, and shall produce such books, papers, documents and accounts and testify whenever required to do so by the Commission under the terms of this Chapter.

— 2-2-10: LEGAL ACTION AND COUNSEL: The Commission may conduct any civil suit or action which may be necessary for the proper enforcement of this Chapter and the rules of the Commission. The Commission shall be represented in such proceedings by the Attorney unless he is unable to act, in which case the Commission may in any case be represented by special counsel appointed by the Commission.

2-2-11: COMMISSION RECORDS:

- (A) The Commission shall keep on file all examination papers and their markings, records of Commission hearings and all other papers, documents and communications received by it. Except for examination papers all such reports and files of the Commission shall be public records and accessible at reasonable and convenient times. Examination papers shall be accessible only to the Commissioners and members of the City Commission; provided, that a person who takes an examination under the provisions of this Chapter shall have access to his examination papers.
- (B) The Commission shall retain and may destroy the public records described in Subsection (A) of this Section as follows:
 - 1. Original examination papers and their markings and original records in Commission hearings shall be retained for at least four (4) years and thereafter may be destroyed if microfilmed copies are retained.
 - 2. Original or microfilmed copies of all other papers, documents and communications shall be retained for at least four (4) years and thereafter may be destroyed.

2-2-12: RULES AND REGULATIONS:

- (A) The Commission shall make suitable regulations not inconsistent with this Chapter to carry out the provisions thereof. The regulations shall include but not be limited to providing in detail the manner in which examination shall be held, and appointments, promotions, demotions, transfers, layoffs, reclassifications of employees and/or positions, reinstatements, suspensions and discharges shall be made. The rules and regulations together with all amendments thereto shall be posted in all City offices, stations and road department shops and shall be available for inspection in the Secretary's office for public inspection. The rules and regulations shall not limit the personal citizenship rights of any employees of the City except as otherwise provided in Section 2-2-31 of this Chapter.
- (B) The Chief Examiner or the agency designated by the Commission shall conduct such examination as necessary. The Commission shall assess such weights on examinations as they deem necessary.

2-2-13: INVESTIGATIONS:

- (A) When any resident of the City or any person subject to civil service alleges in a verified petition that an abuse or abuses of the provisions of this Chapter exist, the Commission shall:
 - 1. Investigate the enforcement and effect of the provisions of this Chapter and the regulations prescribed under this Chapter.

- 2. Inspect all positions affected by this Chapter, cited by the petition.
- 3. Ascertain whether this Chapter and the regulations are being obeyed.
- (B) The Commission may, upon its own initiative, make any investigation which it deems advisable to enable it to carry out the provisions of this Chapter.
- (C) The Commission shall make a public report upon all matters investigated under this Chapter.
- (D) In the course of an investigation the Commission may administer oaths, subpoena witnesses and compel the production of books, papers, documents and accounts pertinent to the investigation. Attendance of witnesses, either with or without books, papers, documents or accounts, may not be compelled unless such witnesses are personally served with subpoena.
- (E) The Commission may cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil suits and actions.
- (F) If a person refuses to attend to give testimony or produce books, papers, documents or accounts, pursuant to a subpoena issued under this Section, the Commission may petition the Circuit Court of Clackamas County to compel obedience to the subpoena and to punish refusal to obey or to testify in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the Circuit Court.
- (G) Every person served with a subpoena requiring his attendance before the Commission shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions, except that no person shall be entitled to any fees or mileage who is employed in the public service of the City in which he is called or a witness. The fees and mileage allowed by this Section need not be prepaid but the City Commission shall provide for payment thereof when certified by the Commission.
- (H) All hearings and investigations before the Commission are governed by this Chapter and by the rules and practice of procedure adopted by the Commission, and in the conduct thereof, the Commission is not bound by the rules of evidence.
- (I) No informality in any hearing or investigation, or in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission.

2-2-14: REPORTS TO COMMISSION REQUIRED: The Manager shall:

- (A) Report to the Commission forthwith upon each appointment the name of the appointee, the title or character of the position to which the appointment is made, the date of beginning of service and the salary or compensation therefor.

(B) Report to the Commission, on the date of official action or knowledge of each case, every change in the position of any person covered by this Chapter.

(C) Furnish such other information to the Commission as may be required in order to keep the roster mentioned in Section 2-2-15 of this Chapter.

2-2-15: CIVIL SERVICE ROSTER: The Commission shall keep in its office an official roster of all persons holding civil service positions and shall enter therein all appointments, promotions, demotions, transfers, requirements, resignations, suspensions, leaves of absence without pay, removals and discharges, setting forth in each instance the date of beginning, change or termination of service, and the nature of the duties performed together with sufficient information to show why and how such appointments or other changes were made. The roster shall be kept so as to disclose readily to anyone desiring to inspect it all such matters as to each position subject to civil service and each person employed therein.

2-2-16: PAYROLL CERTIFICATION:

(A) The Commission shall certify in writing to the payroll officers of the City:

1. The name of each person appointed or employed in the civil service, stating in each case the title or character of the position held by such person, the salary or compensation assigned, and the date of the beginning of the person's service.

2. Every change occurring in any position held by any person in the civil service.

(B) The certification shall be provided for by the Civil Service Commission before issuing or honoring any warrant or order for the payment of salary or compensation to an employee in a position subject to civil service.

(C) The Commission shall notify any officer or employee of the City authorizing, drawing, signing, countersigning, issuing or honoring any warrant or order for the payment of salary or compensation to an employee in a position subject to civil service of the names of any persons employed in violation of this Chapter or the regulations established under this Chapter.

2-2-17: PAYMENTS TO NONCERTIFIED PERSONS PROHIBITED:

(A) Except for persons holding positions under a temporary appointment as provided in Section 2-2-25, no officer of the City shall authorize, draw, sign, countersign, issue, or honor any warrant or order for the payment of, or pay any salary or compensation to any employee subject to civil service who is not certified by the Commission as provided in Section 2-2-16 of this Chapter. Any person entitled to be certified may maintain a proceeding by mandamus to compel the issuance of such certificate.

— (B) Any sums wilfully paid contrary to the provisions of this Section may be recovered in an action in the name of the City from any officer authorizing, drawing, signing, countersigning, issuing or honoring any warrant or order for the payment thereof, and from the sureties on his official bond. The expenses of the action may be paid from the amounts recovered therein.

— 2-2-18: INDUCTION OF PRESENT EMPLOYEES INTO CIVIL SERVICE SYSTEM:

— (A) Any persons employed in positions subject to civil service at the time such position first becomes subject to civil service, and who have been employed by the City continuously for a period of at least thirty (30) days preceding the date when that position became subject to civil service, and who are citizens of the United States hereby are inducted permanently into civil service in the positions then held as if such persons had been permanently appointed under civil service after examination and investigation.

— (B) All persons who hold positions subject to civil service in the City at the time such position first becomes subject to civil service but who are not eligible for induction into civil service as provided for in Subsection (A) of this Section shall continue to hold their positions until replaced by persons appointed under civil service.

— (C) Within ninety (90) days, after a position first becomes subject to civil service, the Manager shall file with the Treasurer, Auditor, Comptroller or similar officer of the City a statement giving the names, residence, occupation, length of continuous service and compensation of each person holding that position, declaring whether each person is or is not eligible for induction into civil service as provided in Subsections (A) and (B) of this Section, and certifying as to the citizenship status of each person.

— (D) Within thirty (30) days after any position first becomes subject to civil service, the Commission shall classify such position. Within ninety (90) days after a position first becomes subject to civil service, the Commission shall hold an examination to fill any positions not filled by persons inducted into civil service as provided in Subsection (A) of this Section.

— 2-2-19: CITY COMMISSION TO CREATE POSITIONS; FIX COMPENSATION:

— All civil service positions in the City shall be created by the City Commission, and the City Commission shall fix the compensation of all employees employed in civil service positions. In the creation of each civil service position, and in determining the amount of compensation thereof, the City Commission shall give due consideration to the recommendation of the Civil Service Commission and the Manager.

— 2-2-20: COMMISSION TO CLASSIFY POSITIONS:

— (A) The Commission shall classify, with reference to the examinations provided for in this Chapter, all positions in the civil service. The classifications shall be based upon the functions of the positions.

(B) The classifications may, from time to time be amended, added to, consolidated or abolished by the Commission, but no person holding any position under any established classification shall be affected by such change so as to deprive him of any of the civil service benefits attached to the classification applicable to the position then held by him, except salary. No person shall be promoted or advanced to a higher classification by such change without being eligible for appointment to such higher classification by reason of his position on the promotion register.

2-2-21: EXAMINATIONS:

(A) The Commission shall hold public competitive examinations to ascertain the fitness of applicants for all positions in the civil service. Entrance examinations shall be given when a vacancy occurs unless there is a current, active entrance register in existence. Promotional examinations shall be given to those who desire to offer themselves for such examination and who are in the qualified classifications as determined by the Commission. Promotional examinations for each classification shall be given whenever necessary to establish an eligible register to carry out the provisions of this Chapter.

(B) Notice of time, place, and general scope of every examination shall be given in accordance with rules and regulations adopted by the Commission.

(C) All examinations shall be practical in character and shall relate only to those matters which fairly test the relative fitness of persons to discharge the duties of the positions for which they are applicants. Tests of physical fitness and manual skill shall be included in the entrance examination. The Commission may assess such weights on examinations as it deems necessary. No question in any examination shall relate to political or religious preference, affiliation, opinion or services.

(D) Examination shall be given only to persons who possess those qualifications of age, residence, health, education, habits, and moral character prescribed by the rules and regulations of the Commission.

(E) Except where other arrangements are made under Section 2-2-7 of this Chapter, the Chief Examiner shall supervise all examinations and shall designate the person who shall act as examiner in any examination. No employee of the City shall be designated as examiner.

(F) When there are four (4) or more positions in a promotive classification, promotional examinations for each such classification in the civil service shall be given at least every thirty (30) months and at such other times when there are no candidates eligible for promotion on the eligible register.

(G) When there are less than four (4) positions in a promotive classification, promotional examinations for each such classification in the civil service shall be given at such times as the Commission deems it necessary to establish an eligible register to carry out the provisions of this Chapter as it applies to such classification.

— 2-2-22: CIVIL SERVICE REGISTER:

- (A) The Commission shall prepare and keep a register for each classification in the civil service of all persons whose general average standing upon examination is not less than a minimum fixed by the rules of the Commission, and who are otherwise eligible. Such persons shall take rank upon the register as candidates in the order of their relative standing as determined by examination and investigation. Candidates of equal standing shall take rank upon the register according to the order in which their applications were filed. No entrance or promotion register shall be kept in effect for longer than thirty (30) months from the effective date thereof.
- (B) The current entrance register shall be headed by the names of persons who have been regular employees and who were laid off from their positions for reasons other than fault or delinquency on their part. The current promotion register shall be headed by the names of persons who have been regular promoted employees and who were demoted from their positions for reasons other than fault or delinquency on their part. The order of the names of such persons shall be such that the name of the person who was last laid off or demoted is first on the register.
- (C) Only one (1) entrance register and one (1) promotion register shall exist at any time for each classification in the civil service. No promotion register shall be canceled unless it has been exhausted or has been in existence for at least thirty (30) months. The entrance register shall not be canceled unless it has been exhausted or has been in existence for at least thirty (30) months.

— 2-2-23: CERTIFICATION OF ELIGIBLE CANDIDATES: Whenever there is a vacancy in a position subject to the civil service the Manager shall immediately notify the Commission of the vacancy. The Commission shall thereupon certify to the Manager:

- (A) If the vacancy be in an entrance position, the names and addresses of the three (3) candidates standing highest upon the entrance register. When more than one (1) vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus two (2).
- (B) If the vacancy be in a promotive position, the names and addresses of the two (2) candidates standing highest upon the register for the classification to which the position belongs. When more than one (1) vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus one (1).

2-2-24: APPOINTMENTS TO CIVIL SERVICE POSITIONS:

- (A) After the Manager has received the list of certified candidates, he may either appoint one (1) of the certified candidates to the vacant position or he may reject all certified candidates for appointment to the position.
- (B) If the Manager appoints one (1) of the candidates, the names of the candidates not appointed shall be placed on the register in the same position from which the names were certified. The appointed candidate shall be placed on probation in his new position for a twelve (12) month period.

- (C) If the Manager rejects all certified candidates, he shall submit a written statement of the reasons for rejection to the Commission. Religious, racial, or political reasons are not valid reasons for rejection. If all certified candidates are rejected, the Commission shall either approve or disapprove the rejections.
- (D) If the rejections of the Manager are approved by the Commission, the Commission shall immediately certify to the Manager the name and address of the next eligible candidate standing highest upon the register. The names of the rejected candidates shall be returned to the same position on the eligible register from which they were certified. The Manager and the Commission shall proceed in this manner for all rejected candidates until a qualified candidate is found for the vacant position.
- (E) If the rejection by the Manager is not approved by the Commission, the Commission shall immediately notify the Manager in writing that his reasons for rejection of the certified candidate are deemed not sufficient for rejection, and upon receipt of this notice from the Commission, the Manager shall immediately appoint one (1) of the certified candidates to the position for which he was originally certified.
- (F) If an employee on probation is a new appointee, the Manager may discharge that person without regard to Sections 2-2-28 and 2-2-29 of this Chapter and in a like manner appoint another certified candidate and so continue until a qualified candidate has been found.
- (G) If a person who has taken a promotional examination and has been appointed to a position in a higher classification on probation fails to qualify for the position in the higher classification within the probationary period, he shall not lose his position in the lower classification from which the promotion was made, but shall return to employment and be registered in the position held by him in the lower classification.
- (H) If the person on probation has been promoted, the Manager may demote such person only for cause specified in Section 2-2-28 and in the manner provided in Section 2-2-29 of this Chapter. If the reasons for such demotion are deemed insufficient by the Commission, the demoted candidate shall, notwithstanding such demotion, be restored to the promoted position upon such conditions or terms as may be imposed by the Commission.

2-2-25: TEMPORARY APPOINTMENTS:

- (A) When there is no candidate upon the entrance register from which a position may be filled, the Manager may, with the consent of the Commission, fill the position by temporary appointment. A temporary appointment shall not continue for more than three (3) months. No classified position shall be filled by a temporary appointment for more than three (3) months in any calendar year.
- (B) Temporary appointments shall be valid only until there are available candidates on the register. No temporary appointment shall be made to fill any position for which a promotional examination is given and an eligible register maintained.

— 2-2-26: **LEAVE OF ABSENCE:** Leave of absence for not more than ninety (90) days without pay, and without consent of the Commission, may be granted by the Manager to any person subject to civil service. The leave shall not in any way prejudice the rights or privileges of a person subject to civil service. Leave of absence for longer periods may be granted by the City Commission as governed by its rules and regulations. The Manager or City Commission shall give immediate notice of the leave to the Commission.

— 2-2-27: **TRANSFER OR REINSTATEMENT:**

- (A) The Manager may authorize the transfer or reinstatement of any person holding one (1) position to a similar position in the same classification.
- (B) No transfer or reinstatement shall be made from a position in one (1) classification to a position in another classification.

— 2-2-28: **TENURE; GROUNDS FOR DISCIPLINARY ACTION:**

- (A) The tenure of persons subject to civil service shall continue during good behavior and such persons may be dismissed, demoted, suspended without pay, or deprived of special privileges only for the following reasons:
 - 1. Incompetency, inefficiency, or inattention to or dereliction of duty.
 - 2. Dishonesty, intemperance, drug addiction, immoral conduct, insubordination, or discourteous treatment of the public or of fellow employees.
 - 3. Any other wilful failure of good conduct tending to injure the public service.
 - 4. Any wilful violation of the provisions of this Chapter or of the rules and regulations adopted under this Chapter.
 - 5. Conviction of a felony or a misdemeanor involving moral turpitude.
 - 6. The wilful giving of false information or withholding information with intent to deceive when making application for an entrance examination.
- (B) No person shall be dismissed, demoted, suspended without pay, or deprived of special privileges for political, racial, or religious reasons. However, wilful violation of Subsection (B) of Section 2-2-31 of this Chapter shall be grounds for dismissal, demotion, suspension without pay, or deprivation of special privileges.

2-2-29: DISMISSAL PROCEDURE; INVESTIGATION; ENFORCEMENT OF FINDINGS:

- (A) No person subject to civil service who has been permanently appointed under this Chapter shall be dismissed, demoted, suspended without pay, or deprived of special privileges except for cause, and only upon the signed, written accusation of the Manager. A written statement of the accusation in general terms shall be served upon the accused, and a duplicate shall be filed with the Commission.
- (B) Any permanent employee who has been dismissed, demoted, suspended without pay, or deprived of special privileges may, within ten (10) days, file with the Commission a signed, written demand for an investigation. If the demand alleges, or if it otherwise appears to the Commission that the dismissal was not made in good faith for cause, the Commission shall conduct an investigation and hold a public hearing; the hearing to be held within thirty (30) days from the time the appeal is filed. The applicant may be represented by counsel or any representative of his own choosing. The investigation shall be confined to the determination of the question of whether the dismissal was made in good faith for cause.
- (C) After an investigation and public hearing, the Commission may affirm or modify the action taken by the Manager, or if it finds that the dismissal was not made in good faith for cause, the Commission shall order the immediate reinstatement of the employee in the position from which he was dismissed. Reinstatement shall be retroactive and entitle the dismissed employee to pay or compensation or special privileges from the time of dismissal. The findings of the Commission shall be certified in writing to the Manager and immediately enforced by him.

2-2-30: ILLEGAL ACTS: No person shall:

- (A) By himself or in cooperation with one (1) or more persons defeat, deceive, or obstruct any person in respect to his right of examination or registration according to the regulations prescribed by the Commission under this Chapter.
- (B) Falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to this Chapter, or aid in so doing, or make any false representation concerning the same or concerning the person examined.
- (C) Furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified; or to be examined, registered or certified.
- (D) Impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any examination, registration or application or request to be examined or registered.

2-2-31: CONTRIBUTIONS NOT REQUIRED; CERTAIN POLITICAL ACTIVITY PROHIBITED:

- (A) No person holding any position subject to civil service is under any obligation to contribute to any political or religious fund or to render any political service to any person or party. No person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No person shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person subject to civil service, or promise or threaten to do so, for giving, withholding, or neglecting to make any contribution of money or services or any other valuable thing for any political, racial, or religious purpose.
- (B) The Commission shall prohibit persons subject to civil service under this Chapter from furthering the cause of any candidate for nomination or election to the City Commission.

2-2-32: BUDGET:

- (A) The Commission shall prepare and submit a budget to the City prior to each fiscal year for which an appropriation is needed to carry out the provisions of this Chapter.
- (B) The City shall budget sufficient funds to carry out the provisions of this Chapter.

2-2-33: APPEAL:

- (A) Any decision of the Commission affecting any permanent employee subject to this Chapter may be appealed to the Circuit Court at Clackamas County.
- (B) The appeal shall be taken by serving upon the Commission, within thirty (30) days after the date of the entry of such judgment or order, a written notice of appeal stating the grounds thereof and demanding that a certified transcript of the record and of all papers on file in the office of the Commission affecting or relating to the judgment or order be filed by the Commission with the Court. The Commission shall, within ten (10) days after the filing of such notice, make, certify and file such transcript with the Court.
(Ord. 1489; 11-2-60)

CHAPTER 3

ZONING BOARD OF ADJUSTMENT

SECTION:

- 2-3-1: Board Created; Members
- 2-3-2: Procedure
- 2-3-3: Appeal
- 2-3-4: Powers of the Board
- 2-3-5: Appeal of Decision of Board

2-3-1: BOARD CREATED; MEMBERS: A Board of Adjustment is hereby established. The word "Board" when used in this Chapter shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be freeholders appointed by the Mayor and approved and confirmed by the Commission. The term of office of the members of the Board shall be for three (3) years, except that the members of the first Board shall be appointed one (1) for one (1) year, two (2) for two (2) years and two (2) for three (3) years. Thereafter each member shall be appointed for a term of three (3) years. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor or the Commission upon written charges and after public hearing.

2-3-2: PROCEDURE: The Board shall elect its own Chairman and Vice Chairman, each for a term of one (1) year. In the absence of the Chairman, the Vice Chairman shall have all the powers of the Chairman.

The Board shall adopt such rules it deems necessary to carry out the provisions of this Chapter.

The meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

2-3-3: APPEAL: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision or ruling of the Building Officer made under the Zoning regulations. The appeal shall be taken within fifteen (15) days after the decision or ruling of the Building Officer by filing with the Building Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

- An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice of the Building Officer and a due cause shown.
- The Board shall fix a reasonable time for the hearing of the appeal and shall give not less than fifteen (15) days public notice thereof in a newspaper of general circulation and also serve copies of such notice upon the Building Officer, the appellant, other parties in interest and upon such parties having requested the notice, within the designated time. Upon the hearing any party may appear in person or by agent or attorney.
- A fee of five dollars (\$5.00) shall be paid to the Building Officer at the time the notice of appeal is filed, to cover costs, notices and investigation.

— **2-3-4: POWERS OF THE BOARD:** The Board of Adjustment shall have the following powers:

- (A) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Officer in the enforcement of the Zoning Title.
- (B) To permit the extension of a district where the boundary line of a district divides a lot held under a single ownership at the time of the adoption of the Zoning Title.
- (C) To interpret the provisions of the Zoning Title in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts made a part of the Zoning Title where the street layout actually on the ground varies from the street layout as shown on the District Map.
- (D) To authorize upon appeal a variance in the regulations of the Zoning Title when a property owner can show that his property was acquired in good faith and where by reason of the irregular shape of a lot of record at the time of the adoption of the Zoning Title or by reason of existing topographic conditions or other peculiar and exceptional conditions, that the strict application of such regulations would result in real and unnecessary hardship and the Board through investigation and from the evidence before it is satisfied that the granting of the variance will alleviate a hardship that approaches confiscation of the property and will not be detrimental to adjacent property; provided, that in granting a variance the spirit and purpose of the Zoning Title will be observed and substantial justice done.

— In exercising the abovementioned powers the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Title or to effect any variation in the Zoning regulations. (Ord. 1405; 4-20-54)

(E) To grant uses, variances and adjustments within districts and from one (1) district to another as in its judgment is proper. (Ord. 1468; 8-18-59)

2-3-5: APPEAL OF DECISION OF BOARD: Any person aggrieved by any decision of the Zoning Board of Adjustment under the provisions of this Chapter, or any taxpayer, or any officer, department, board or bureau of the Municipality, may present to the Circuit Court of Clackamas County a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board, and all appeals from the Board shall be made directly to the Circuit Court. (Ord. 1405; 4-20-54)

CHAPTER 4

BOARD OF CENSORS

SECTION:

- 2-4-1: Unlawful Performances
- 2-4-2: Board of Censors Created
- 2-4-3: Duties of Board
- 2-4-4: Refusal to Comply with Order of Board

— 2-4-1: UNLAWFUL PERFORMANCES: It shall be unlawful for the owner, proprietor or manager of any theater or place of public entertainment, or for any person to exhibitor produce in the City any theatrical performance, operatic performance, moving picture show or other amusement of whatever kind or nature which:

- (A) Shows anything of an obscene, indecent or immoral nature.
- (B) Presents any gruesome, revolting or disgusting scene or subject.
- (C) Tends to disturb the public peace.
- (D) Tends to corrupt the public morals.

— 2-4-2: BOARD OF CENSORS CREATED: There is hereby created a Board of Censors of theatrical or operatic performances, moving picture shows and other amusements to be composed of five (5) members, at least two (2) of whom shall be women, to be appointed by the Commission, the members of the Board of Censors to be chosen with a regard to their fitness for the position. The Commission shall appoint the Board of Censors upon the adoption and approval of this Chapter and the members shall serve without compensation. Each member shall be appointed for a term of one (1) year and shall be subject to removal by the Commission at any time with or without cause. Upon their appointment the Board shall meet and is hereby authorized and empowered to provide necessary forms and to establish administrative rules necessary for the enforcement of this Chapter.

— 2-4-3: DUTIES OF BOARD: It shall be the duty of the Board of Censors, whenever they obtain information of a reliable character that any theatrical or operatic performance, moving picture show or other amusement is being or is about to be produced in the City, which is prohibited by the terms of Section 2-4-1, to investigate the character of such performance, and in case the performance is about to be produced, may for the purpose of such investigation, require of the manager or person in charge of the theater or other place in which the performance is about to be produced, that a private rehearsal be given them, and if it be found by the Board of Censors that the production is in violation of the terms of Section 2-4-1 the Board of Censors may prohibit the production of the same, and in case the production is being given at the time of the investigation may order its further production suspended and stopped.

2-4-4: REFUSAL TO COMPLY WITH ORDER OF BOARD: It shall be unlawful for the manager or person in charge of any theatrical or operatic performance, moving picture show or other amusement, or for the manager or person in charge of any theater or other place of amusement, to refuse to give a private rehearsal when demanded by the Board of Censors, and it shall be unlawful for the manager or person in charge of any theatrical or operatic performance, moving picture show or other amusement, or the manager or person in charge of the theatre or other place of amusement to produce any operatic, theatrical performance or moving picture show or other amusement, or any part thereof, after the same has been prohibited by notice in writing by the Board of Censors or ordered stopped. No banner, exhibit, poster, bill, placard or other advertising matter which contains any objectionable features listed in Section 2-4-1 hereof, shall be used or exhibited in connection with any theatrical or operatic performance, moving picture show or other amusement.
(Ord. 1290; 6-7-39)

TITLE III

DEPARTMENTS

Subject	Chapter
Fire Department.....	1
Police Department,.....	2
Water Department	3
Recreation Department	4

CHAPTER 1

FIRE DEPARTMENT

SECTION:

- 3-1-1: Department Created
- 3-1-2: Duties
- 3-1-3: Fire Prevention
- 3-1-4: Volunteer Members
- 3-1-5: Compensation
- 3-1-6: Tampering With Fire Alarm System

3-1-1: **DEPARTMENT CREATED:** There is hereby created a Fire Department which shall consist of a Fire Chief and such other personnel as may be provided for by the Manager.

3-1-2: **DUTIES:** It shall be the duty of members of the Fire Department to provide for the immediate answering of all fire calls and to fight all fires in the best and most modern available methods. Members shall see to the care and maintenance of all fire fighting equipment and have such equipment in constant workable condition at all times.

3-1-3: **FIRE PREVENTION:** Every possible action shall be taken by the members of the Fire Department to eliminate fire hazards and to provide for fire prevention methods and operations within the City.

3-1-4: **VOLUNTEER MEMBERS:** Any volunteer members of the Fire Department shall conduct themselves in the same manner and under the same rules and regulations as regular members of the Department. They shall respond to all fire calls according to a schedule prescribed by the Chief of the Fire Department and they shall attend all meetings and drills called by the Chief.

3-1-5: **COMPENSATION:** The compensation of all members of the Fire Department shall be as provided for by the Commission from time to time. (1963 Code)

3-1-6: **TAMPERING WITH FIRE ALARM SYSTEM:** It shall be unlawful for any person to tamper with, injure or destroy any part of the fire alarm system or to give any false alarm of fire by word of mouth, telephone or otherwise. (Ord. 1258; 10-22-34)

CHAPTER 2
POLICE DEPARTMENT

SECTION:

- 3-2-1: Department Created
- 3-2-2: Duties
- 3-2-3: Witness Fee
- 3-2-4: Rules and Regulations
- 3-2-5: Matron
- 3-2-6: Rewards
- 3-2-7: Volunteer Police Department Created

3-2-1: DEPARTMENT CREATED: There is hereby created a Police Department which shall consist of the Chief of Police and such other personnel as may be provided by the Manager.

3-2-2: DUTIES: It shall be the duty of the members of the Police Department to see to the enforcement of all of the laws of the City and all Statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof.

3-2-3: WITNESS FEE: Every member of the Police Department shall appear as witness whenever necessary in a prosecution for a violation of any City, State or Federal Law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; any fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Treasurer.

3-2-4: RULES AND REGULATIONS: The Chief of Police may make or prescribe such rules and regulations as he shall deem advisable; such rules, when approved by the Manager, shall be binding on the members. The rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the Department.

3-2-5: MATRON: The Manager, with the consent of the Commission, may appoint a Police Matron, who shall perform such duties as may be assigned to her by the Chief of Police or by the Manager.

3-2-6: REWARDS: The Chief of Police, for meritorious service rendered by any member of the Police Force in the due discharge of his duty, may permit such member to retain for his own benefit, so far as he may be permitted by law, any reward or present tendered him therefor, and it shall

be cause of removal for any member of the Force to receive any such reward or present without notice thereof to the Chief of Police and without his permission. (1963 Code)

3-2-7: VOLUNTEER POLICE DEPARTMENT CREATED: In addition to the regular Police Department there shall be constituted a Volunteer Police Reserve consisting of not more than twenty-five (25) members. The Volunteer Police Reserve shall be especially constituted to take care of juvenile delinquents and assist in taking care of the traffic at the time of a fire in the City, and shall at all times be subject to the call of and under the supervision of the Chief of Police, and perform such other duties as may be required by the Chief of Police. (Ord. 997; 5-7-24)

CHAPTER 3
WATER DEPARTMENT

SECTION:

- 3-3- 1: Application for Water
- 3-3- 2: Use by Applicant Only
- 3-3- 3: Permits; Renewal or Change of Service
- 3-3- 4: Kind of Service to be Used
- 3-3- 5: Installation of Service Pipe From Main to Curb Line
- 3-3- 6: Stopcock and Sutoff Box
- 3-3- 7: Stop and Waste Cocks
- 3-3- 8: Repair and Protection of Service Pipes
- 3-3- 9: Temporary Disconnection
- 3-3-10: Service for Each House
- 3-3-11: Discontinuance on Account of Defective Fixtures
- 3-3-12: Waste
- 3-3-13: Plumber's Report
- 3-3-14: Shut Off for Repairs
- 3-3-15: Access to Premises for Inspection
- 3-3-16: Emergency Regulations
- 3-3-17: Sprinkling
- 3-3-18: Water for Building Purposes
- 3-3-19: Fire Protection Pipes
- 3-3-20: Use of Meters
- 3-3-21: Ownership of Meters
- 3-3-22: Use of Private Water and City Water
- 3-3-23: Testing and Correcting Meters
- 3-3-24: Failure to Comply with Rules
- 3-3-25: Turning on Water Without Authority
- 3-3-26: Water Charged to Premises
- 3-3-27: Applications to be in Writing
- 3-3-28: Water Rates

3-3-1: APPLICATION FOR WATER: When water service is requested where connection of the premises to the City mains is required, applications must be made on printed forms furnished by the water office, signed by the owner, or agent of the premises to be served, and the applicant must state fully and truly all the purposes for which water may be required, and must agree to conform to the rules and regulations that are now in force or may hereafter be adopted for the proper operation of the water system. The charges for supplying a water service connection are seventy-five dollars (\$75.00) for a three-fourths inch (3/4") tap and five-eights inch (5/8") by

three-fourths inch (3/4") meter. Larger size taps shall be a minimum of seventy-five dollars (\$75.00) plus additional actual costs. All new water service connections shall be metered. (Ord. 1534; 7-11-63)

3-3-2: USE BY APPLICANT ONLY: No person supplied with water from the City mains will be entitled to use it for any purpose other than stated in his application, or to supply in any way other persons or families.

3-3-3: PERMITS; RENEWAL OR CHANGE OF SERVICE: When permits for renewal or change of service are granted, the old service will be shut off and disconnected at the main by employees of the City. The charge for same shall be the actual costs. (Ord. 1236; 5-4-32)

3-3-4: KIND OF SERVICE PIPE TO BE USED: Service pipes, of all sizes, within or without the premises, whether for domestic, commercial or fire protection purposes, must be approved by the City.

3-3-5: INSTALLATION OF SERVICE PIPE FROM MAIN TO CURB LINE: The installation of all service pipes from the main to a point at the curb line shall be made by employees of the Water Department.

3-3-6: STOPCOCK AND SHUTOFF BOX: A stopcock of approved pattern and material will be placed, and protected by means of a suitable box, which will be furnished and installed by the Water Department. (Ord. 1534; 7-11-63)

3-3-7: STOP AND WASTE COCKS: Just inside the basement wall a stop and waste cock of approved pattern, protected from frost, must in all cases be placed in a convenient location, by means of which the pipes in the building may be drained at night during freezing weather. If the building is not provided with a basement, the stop and waste cock must be placed near the outside wall thereof. All stores and offices in the building must have separate shutoffs. (Ord. 1236; 5-4-32)

3-3-8: REPAIR AND PROTECTION OF SERVICE PIPES: The service pipe, within the premises, and throughout its entire length to the curb cock must be kept in repair, and protected from freezing at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe. (Ord. 1534; 7-11-63)

3-3-9: TEMPORARY DISCONNECTION: Should it be desired to discontinue the use of all water supplied to the premise for a period of not less than fifteen (15) days, notice must be given, and payment in full of all

arrears made at the water office. The water will then be turned off, and turned on again on application, without charge; provided however, no remission of rates will be made for a period of less than fifteen (15) days.
(Ord. 1236; 5-4-32)

3-3-10: SERVICE FOR EACH HOUSE: Hereafter, a separate service direct to the tap in the main, will be required for each house that is to be supplied with water; provided that when there are two (2) houses on an inside lot the service shall be divided at the curb, and a separate meter provided for each place to be so supplied. Where two (2) or more separate residential or business buildings are presently served by a single service the Water Superintendent may require separate meter installations wherever possible.

3-3-11: DISCONTINUANCE ON ACCOUNT OF DEFECTIVE FIXTURES: Water will not be furnished where there are defective or leaking faucets, toilets or other fixtures, or where there are toilets or urinals without self closing valves, or tanks without selfacting float valves; and when such may be discovered the Water Superintendent shall have authority to immediately install a meter.

3-3-12: WASTE: Water shall not be allowed to run to waste through any faucets, fixtures or pipes in order to prevent freezing, or kept running at any time longer than necessary for its proper use. When such waste is found to exist the water superintendent shall have authority to immediately install a meter. (Ord. 1534; 7-11-63)

3-3-13: PLUMBER'S REPORT: Plumbers doing any work by which additional water may be drawn from the City mains, must report the same at the Water Department as soon as the work is completed, or within twenty-four (24) hours thereafter.

3-3-14: SHUT OFF FOR REPAIRS: The water may at any time be shut off from the mains without notice, for repairs or other necessary purposes, and the City will not be responsible for any consequent damages. Water for steam boilers for power purposes will not be furnished by direct pressure from the City mains; tanks for holding an ample reserve of water shall always be provided by the owners of the boilers. While water is temporarily shut off from the mains, the hot water faucets should be kept open by the occupants of the premises to allow the steam to escape from the water heater, and should damage result to meters by reason of steam or hot water, the owner shall be charged for repairs.

3-3-15: ACCESS TO PREMISES FOR INSPECTION: Agents of the Water Department may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from

the City mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises. (Ord. 1236; 5-4-32)

3-3-16: **EMERGENCY REGULATIONS:** Under emergency conditions the City Manager may enforce such regulation of the use of water as conditions require.

3-3-17: **SPRINKLING:** The hours for sprinkling for unmetered water users shall be 6:00 A.M. to 8:00 A.M. and 6:00 P.M. to 8:00 P.M. daily and the houses with even numbers shall be allowed to sprinkle on Tuesday, Thursday, Saturdays and Sundays and houses with odd numbers shall be allowed to sprinkle on Mondays, Wednesdays, Fridays, and Sundays of each week.

All unmetered consumers will be allowed the use of but one (1) stream of water at a time through a nozzle not exceeding three-eighths inch (3/8") and must confine sprinkling to their own premises. Ground sprinklers or a series of ground sprinklers attached to one (1) hose during the foregoing times are likewise permitted.

Meter users will be allowed unrestricted sprinkling.

Emergency regulations may apply to all sprinkling. (Ord. 1534; 7-11-63)

3-3-18: **WATER FOR BUILDING PURPOSES:** Water for building purposes may be obtained at the rates herein prescribed.

3-3-19: **FIRE PROTECTION PIPES:** Pipes to be used for fire purposes only will be allowed within buildings only where such pipes are entirely disconnected from those used for any other purposes, and have a separate connection to the mains. The connection with the City main must be made as prescribed in Sections 3-3-5 and 3-3-6. (Ord. 1236; 5-4-32)

3-3-20: **USE OF METERS:** The Superintendent of the Water Department shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as he may deem best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.

The Water Superintendent shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the Water Department.

Any householder desiring metered water service may obtain the service by making written application to the City for the installation of a meter and by

agreeing to pay for the quantity or water used or measured at the regular established meter rates. (Ord. 1534; 7-11-63)

3-3-21: OWNERSHIP OF METERS: All meters, except such as are required to be purchased by the water users, shall be and remain the property of the City, and may be removed whenever the Superintendent may decide to do so.

3-3-22: USE OF PRIVATE WATER AND CITY WATER: Buildings supplied with water other than that furnished by the City, may obtain City water at meter rates; provided, that no physical connection shall in any way, directly or indirectly, exist between the private system and the City's water system. When a connection is found to exist, the water will be shut off.

3-3-23: TESTING AND CORRECTING METERS: When any consumer whose water supply is metered shall make a complaint that the bill for any particular month is excessive, the Water Superintendent will, upon request, have the meter reread.

3-3-24: FAILURE TO COMPLY WITH RULES: Anyone failing to comply with the rules and regulations established as conditioned to the use of water, or to pay the water rates at the time and manner hereafter provided, the water may be shut off until payment is made of the amount due with one dollar (\$1.00) in addition for the expense of turning the water on.

3-3-25: TURNING ON WATER WITHOUT AUTHORITY: After the water has been shut off at the curb cock, if it should be turned on by any person other than an employee of the Water Department, the water will be again shut off, a section of the service pipe removed, and service will not be furnished until the arrears, current month, and additional charge of two dollars (\$2.00) for shutting the water off and turning it on, are paid.

The foregoing rules and regulations must be strictly complied with in every instance, and water must be paid for by all premises supplied according to Section 3-3-28. Employees of the Water Department are not permitted to make any exceptions whatever.

3-3-26: WATER CHARGED TO PREMISES: All charges for furnishing water within the City shall be chargeable to the premises where water is supplied. Whenever any charge for furnishing water to any premises shall not be paid on or before the fifteenth day of the month after the same becomes due and payable, service to the premises may be discontinued, and water shall not again be furnished thereto until all outstanding obligations for water supplied to the premises shall have been paid in full in accordance with Section 3-3-28.

3-3-27: APPLICATIONS TO BE IN WRITING: Applications for permits to connect premises with the City water system, or requests to turn off water, or to turn on water, shall, in all cases, be in writing and signed by the owner, lessee or agent of the premises to be served. (Ord. 1236; 5-4-32)

3-3-28: WATER RATES: The minimum monthly rate to be charged for water furnished each user within the City Limits effective July 1, 1963, including the privilege of sprinkling as set forth in Section 3-3-17 shall be as follows:

(A) Unmetered one-family dwelling, each unit or single business (payable in advance) \$3.00 per month

(B) Meter Rates Within City: The metered rates per month for water furnished each user within the City shall be as follows:

For the first 1000 cubic feet of water \$2.00

For the next 1600 cubic feet of water at 8¢ per 100 cubic feet.

All over 2600 cubic feet of water at 6¢ per 100 cubic feet.

On a bimonthly billing basis the rates shall be computed as follows:

For the first 2000 cubic feet of water \$4.00

For the next 3200 cubic feet of water at 8¢ per 100 cubic feet.

All over 5200 cubic feet of water at 6¢ per 100 cubic feet.

(C) Meter Rates Outside City: The metered rates per month for water furnished to users outside the City Limits shall be as follows:

For the first 300 cubic feet of water \$3.15

For all over 300 cubic feet of water at 16¢ per 100 cubic feet.

On a bimonthly billing basis the rates shall be computed as follows:

For the first 600 cubic feet of water \$6.30

For all over 600 cubic feet of water at 16¢ per 100 cubic feet.

(Ord. 1534; 7-11-63)

CHAPTER 4

RECREATION DEPARTMENT

SECTION:

3-4-1: Department Created

3-4-1: DEPARTMENT CREATED: There is hereby created a department to be known as the Recreation Department, which Department shall be governed and directed like all other departments of the City, as provided by the Charter, and the Commission is hereby authorized and directed to include in the budget and levy the sum of twelve thousand dollars (\$12,000.00) per year for the operation and maintenance of the Department. (Ord. 1321; 11-7-44)

TITLE IV
BUILDING REGULATIONS

Subject	Chapter
Building Code.....	1
Electrical Code	2
Dangerous Buildings.....	3
Moving Buildings	4
Signs and Banners.....	5
Plumbing Code.....	6
Fallout Shelters	7

CHAPTER 1

BUILDING CODE

SECTION:

4-1- 1: Adoption of Building Code

4-1-1: ADOPTION OF BUILDING CODE: The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings, and/or structures, issuance of permits and collection of fees therefor, establishing Fire Districts, and penalties for the violation thereof, in the City shall be and the same are hereby governed by the 1964 Edition of the Uniform Building Code of the International Conference of Building Officials, which 1964 Edition of the Uniform Building Code is hereby adopted in its entirety, and all provisions, rules, regulations, penalties and statements therein be and the same hereby are made the rules, regulations, and penalties of the City, it being the intention herein to adopt by reference the 1964 Edition of the Uniform Building Code adopted by the International Conference of Building Officials, in accordance with O.R.S. 221.330. (Ord.1568; 4-7-65)

CHAPTER 2

ELECTRICAL CODE

SECTION:

- 4-2-1: Adoption of Electrical Code
- 4-2-2: License Revocation
- 4-2-3: **Wiring in Fire Zones**
- 4-2-4: Wiring Commercial Buildings
- 4-2-5: State Permits

4-2-1: ADOPTION OF ELECTRICAL CODE: The Electrical Safety Law of the State of Oregon, being ORS 479.520 et sequel inclusive, together with all amendments which are now or hereafter may be enacted, are hereby adopted by reference and made a part of this Chapter and shall govern the installation, inspection and disconnection of electrical wiring and equipment within the City.

4-2-2: LICENSE REVOCATION: The license herein granted shall be subject to revocation at any time by the Commission after a hearing before it for any violation of the electrical, plumbing, heating or sheet metal work codes of the State of Oregon or the City or for unfair business practices which in the judgment of the Commission warrants the revocation.

4-2-3: WIRING IN FIRE ZONES: All electric wiring in Fire Zones 1 and 2 shall be in conduit, steel tube or metal surface raceway, except in single dwellings used for no other purpose than residence. All apartments or rooming houses of more than one (1) family dwellings, housing more than one (1) floor, shall be wired in conduit or metal raceway (BX cable not to be used).

4-2-4: WIRING COMMERCIAL BUILDINGS: In all other areas, not in Fire Zones 1 or 2, warehouses, commercial garages, offices, stores or any building used for commercial purposes shall be wired in conduit, steel tube or metal raceway (BX cable not to be used).

4-2-5: STATE PERMITS: State permits must be obtained in all installations as required by the State of Oregon and in addition thereto State permits shall be obtained for installations of automatic furnaces, water heaters, ranges, electric space heaters of two (2) kwh or more, and motor installation of one (1) horsepower or more. (Ord. 1411; 3-3-54)

CHAPTER 3

DANGEROUS BUILDINGS

SECTION:

- 4-3-1: Definition
- 4-3-2: Maintenance of Dangerous Buildings
- 4-3-3: Hearing; Notice
- 4-3-4: Determination of Commission; Compliance
- 4-3-5: City May Abate; Lien
- 4-3-6: Dangerous Buildings Declared Nuisance

— 4-3-1: DEFINITION: For the purpose of this Chapter the term "Dangerous Building" shall mean:

- (A) Any building or other structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective apparatus, or for any other cause or reason, is especially liable to fire, and which building or structure is so situated or occupied as to endanger any other building or property or human life.
- (B) Any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of the building premises, or to human life.
- (C) Any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, or by reason of defective plumbing, especially liable to cause the spread of contagious or infectious disease.
- (D) Any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse thereof.

— 4-3-2: MAINTENANCE OF DANGEROUS BUILDINGS: Any person who shall be the owner of, or shall be in possession of any dangerous building within the City and who shall knowingly permit the building to be or remain dangerous for as long as ten (10) days after receipt of notice as herein provided, shall be guilty of a violation of this Chapter.

— 4-3-3: HEARING; NOTICE: Whenever the Manager, Chief of Police, Attorney, Engineer, Fire Chief or any Commissioner, shall find or be of the opinion that there is a dangerous building in the City, it shall be the duty of such person to report the same to the Commission. Thereupon the Commission shall, within a reasonable time, fix a time and place for a public hearing thereon.

Notice shall be mailed to the owner of record of the premises whereupon the building is located, and the tenant or occupant of the building, by the Recorder, notifying the owner, tenant or occupant in general terms that a hearing will be held concerning the property, and the time and place thereof. At the time and place, or at such other time or place, as the Commission may adjourn to, the hearing shall be held, and the Commission shall determine by resolution whether or not the building is dangerous. The Commission may, as a part of the hearing, inspect the building, and the facts observed by the Commission at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard, if the owner or person requests the same. Ten (10) days notice of any such hearing shall be given by publication in some newspaper published in the City, and if the notice be published as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

4-3-4: DETERMINATION OF COMMISSION; COMPLIANCE: At such hearing the Commission shall have the power to order any building declared to be dangerous, removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition, or the Commission shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe. Notice of the findings and of any orders made by the Commission shall be given to the owner of the building, his agent or any other person controlling the same, and to the tenant or occupant of the building, and if the orders be not obeyed and the building rendered safe within the time in the order specified, then the Commission shall have the power and duty to order the building removed or made safe at the expense of the property on which the same may be situated.

4-3-5: CITY MAY ABATE; LIEN: In that event the Commission must specify with convenient certainty the work to be done and shall file a statement thereof with the Recorder, and shall advertise for bids for the doing of the work in the manner provided for advertising for bids for street improvement work, and thereafter the bids shall be received, opened, and contract let, the Commission shall ascertain and determine the probable cost of the work, and assess the same against the property upon which the building is situated, said assessment shall be declared by an ordinance, and it shall be entered in the docket of City liens, and shall thereupon be and become a lien against the property, and the creation of the lien and the collection and enforcement of the cost shall be done and performed in substantially the same manner as in the case of the cost of street improvement, but irregularities or informalities in the procedure shall be disregarded.

4-3-6: DANGEROUS BUILDINGS DECLARED NUISANCE: Every building or part thereof which shall be hereafter found by the Commission to be a dangerous building, is hereby declared to be a public nuisance, and the same may be abated either summarily or the procedure hereinbefore specified may be followed, or a suit for abatement thereof may be brought by the City, in the Circuit Court of Clackamas County. (Ord. 1260; 11-21-34)

CHAPTER 4

MOVING BUILDINGS

SECTION:

- 4-4-1: Permit Required
- 4-4-2: Issuance of Permit
- 4-4-3: Permit Fee; Bond
- 4-4-4: Duties of Mover
- 4-4-5: Denial of Permit

4-4-1: PERMIT REQUIRED: No person shall move or permit to be moved, any building into, along or upon any public street or place in the City without a permit therefor issued by the Manager.

4-4-2: ISSUANCE OF PERMIT: The Manager is hereby authorized to grant and issue to qualified persons possessing adequate equipment for the removing of a building, into, along or upon any public street in the City upon compliance by the applicant with the terms of this Chapter and with the terms and conditions set forth in the permit.

4-4-3: PERMIT FEE; BOND: Before any permit is issued, the applicant therefor shall pay to the Recorder for the use of the City, a fee of fifty dollars (\$50.00) and shall file with him a bond in such penal sum, with surety satisfactory to the Manager taking into consideration the size of the building to be moved and the streets over which the same is to be moved, conditioned to hold the City harmless from any claim or liability by or because of the issuance of the permit, and for the reimbursement and payment to the City or to any other person on account of property damage or injury that may be suffered in the moving of any such building.

4-4-4: DUTIES OF MOVER: No person having permission to remove a building as herein provided shall permit the same to remain on the streets of the City for a longer period than as specified in the permit. No person receiving such a permit shall cut or otherwise interfere with any wires or appliances of any public utility without the permission and under the supervision of the public utility owning or maintaining same.

4-4-5: DENIAL OF PERMIT: No permit shall be issued to any person to move any building into the City from a location outside the City Limits.

No permit shall be issued to any person to move any building into a Fire Zone without the building complying with the Building Code covering the same. (Ord. 1487; 10-5-60)

CHAPTER 5
SIGNS AND BANNERS

SECTION:

- 4-5-1: Height of Signs Restricted
- 4-5-2: Signs Within Fire Zones
- 4-5-3: Application for Permit
- 4-5-4: Signs or Banners Across Streets Prohibited

4-5-1: HEIGHT OF SIGNS RESTRICTED: No sign of any kind extending over a sidewalk shall be permitted unless the same is at least ten feet (10') above the sidewalk grade. All signs suspended from a building and extending more than eighteen inches (18") over the sidewalk shall be securely suspended by an iron bracket or hinge and shall be pivoted so that they may be swung flat against the building quickly. No part of a sign shall be so placed as to interfere with the ingress or egress to and from the window in case of fire.

4-5-2: SIGNS WITHIN FIRE ZONES: All signs in the Fire Zones as they now are or may hereafter be extended shall be constructed of metal or other fireproof material and each letter shall be outlined with incandescent globes, bull's eyes or lenses, and in case the letters are outlined with bull's eyes or lenses, shall be illuminated from the inside by at least one (1) incandescent light of not less than eight (8) candle power for each square foot. All electric signs shall be provided with a switch outside of the building within convenient reach of the sidewalk. All signs inside of the Fire Zones shall be illuminated from dusk to 10:00 P.M. each night, including Sunday.

4-5-3: APPLICATION FOR PERMIT: Any person desiring to erect a sign in front of their premises shall file his application with the Engineer and with the application shall furnish a drawing and description of the sign to be erected, and if the drawing or design so furnished to the Engineer shall comply with the provisions of this Chapter the Engineer shall give to the person a permit to erect such sign. (Ord. 1223; 12-15-30)

4-5-4: SIGNS OR BANNERS ACROSS STREETS PROHIBITED: It shall be unlawful to erect, install or maintain any sign or banner across or over the streets of the City. (Ord. 1425; 8-9-55)

CHAPTER 6
PLUMBING CODE

SECTION:

4-6-1: Adoption of Plumbing Code

4-6-1: ADOPTION OF PLUMBING CODE: There is hereby adopted for the purpose of establishing minimum standards of design, materials and workmanship for all plumbing hereafter installed, altered or repaired and to establish methods of procedure within the City, the State Plumbing Code, being ORS. 447.010 to 447.140, together with all amendments which are or hereafter may be enacted, are hereby adopted by reference and made a part of this Chapter as if set out at length herein. (1963 Code)

CHAPTER 7

FALLOUT SHELTERS

SECTION:

- 4-7-1: Exemption from Building Code Requirements
- 4-7-2: Definition
- 4-7-3: Design
- 4-7-4: Construction

4-7-1: EXEMPTION FROM BUILDING CODE REQUIREMENTS: Due to the specialized purpose and emergency nature for which family fallout shelters are designed, any such shelter which complies with the provisions of this Chapter is hereby exempt from the provisions of the Building Code, except as otherwise provided herein.

4-7-2: DEFINITION: For the purpose of this Chapter a family fallout shelter is a structure designed and constructed for emergency use only, to afford minimum protection from nuclear radiation, commonly known as fallout, resulting from a nuclear incident which recently has been, or is likely to be of catastrophic proportions.

4-7-3: DESIGN: A family fallout shelter shall be of design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense.

4-7-4: CONSTRUCTION: A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the Uniform Building Code.

Notwithstanding the foregoing, the provisions contained in the Building Code relating to administration, permits and inspections shall be applicable to family fallout shelters. (1963 Code)

TITLE V

BUSINESS REGULATIONS

Subject	Chapter
Business Definitions.....	1
General Licenses.....	2
Bill Posting and Handbills	3
Pool and Billiard Rooms	4
Hotels; Rooming Houses	5
Nursing Homes.....	6
For-Hire Vehicles	7
Interurban Stage Terminals.....	8
Junk Shops; Secondhand Dealers..	9
Coin Operated Machines	10
Photography	11
Dance Halls	12
Merchant Patrol.....	13
Soft Drink Parlors	14
Alcoholic Beverages	15
Cosmetic Therapy Schools	16
Trailer Houses	17
Automatic Dry Cleaning Machines	18
Self-Service Laundries	19
Rebound Tumbling Centers	20
Trades; Shops; Professions.....	21

CHAPTER 1
BUSINESS DEFINITIONS

SECTION:

5-1-1: Definitions

5-1-1: DEFINITIONS: As used in this Title the following words and terms shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

ALCOHOLIC LIQUOR: The term "Alcoholic Liquor" shall mean any alcoholic beverage containing more than one-half of one percent (1/2 of 1%) of alcohol by volume, and every liquid or solid patented, or not, containing alcohol, and capable of being consumed by a human being. (Ord. 1249; 3-7-34)

AUCTIONEER: The word "Auctioneer" shall mean every person who shall by public outcry offer for sale, as principal or agent, any article of merchandise or property to the highest bidder. (Ord. 1090; 3-3-26)

BILLIARD ROOM: The term "Billiard Room" shall mean any place where one (1) or more billiard tables are maintained, whether or not a charge is made for the use of the tables, except private clubs and homes where the general public is not permitted the use of the tables. (Ord. 1250; 3-7-34)

BOWLING ALLEY: The term "Bowling Alley" shall mean every place or building where bowling balls are thrown, open to the public, with or without price. (Ord. 1090; 3-3-26)

DANCE: The word "Dance" shall mean every dance not held in a private home or residence or any class in which instruction in dancing is given for hire.

DANCE HALL, PUBLIC: The term "Public Dance Hall" shall mean any building, room, hall or other place which is kept or used for public dancing, or in which for compensation paid directly or indirectly to the owner or manager thereof, people are permitted to engage in dancing, or in which women are either directly or indirectly employed to dance, for the purpose of attracting customers thereto. (Ord. 1110; 4-28-26)

FOOD STUFFS: The term "Food Stuffs" shall mean any article of food intended to be sold or used for human consumption, and shall also include tobacco in all forms, and beverages. (Ord. 1253; 5-18-34)

HAWKER: The word "Hawker" shall mean any person who, for himself, or as agent of another, carries for sale and offers or exposes for sale any goods, wares, merchandise, produce or any article or thing for which a price is asked to customers in or on the streets, or who offers or exposes for sale any commodity from a doorway, recess, alleyway, vacant lot or other place facing on a street, whether making outcry or not.

HAWK OR HAWKING: The term "Hawk" or "Hawking" shall mean the sale, or offering for sale, or exposing for sale of any goods, wares, merchandise, produce or any article or thing for which a price is asked, by a hawker in pursuance of his occupation, whether making outcry or not.

HOUSE: The word "House" shall mean and include hotels, rooming and lodging houses where rooms are equipped for sleeping purposes and are rented for periods of less than thirty (30) days.

LAUNDRY WAGON: The term "Laundry Wagon" shall mean any vehicle on any of the streets or alleys of the City, used for the purpose of gathering or delivering laundry. (Ord. 1090; 3-3-26)

MERCHANT PATROLMAN: The term "Merchant Patrolman" shall mean any person who, for hire or reward, as a business and as an independent contractor guards or protects persons or other persons' property, or patrols streets, districts or territory for such purposes and includes any person who is employed by another as a guard or patrolman for any such purpose. This provision does not apply to an individual who as an employee guards the property of only one (1) employer. (Ord. 1409; 2-3-54)

PEDDLE: The word "Peddle" shall mean any sale, or offering for sale, or exposing for sale of any goods, wares, merchandise, produce or any article or thing for which a price is asked, by a peddler in the pursuance of his occupation.

PEDDLER: The word "Peddler" shall mean any person who, for himself, or as agent for another, goes from place to place or from house to house carrying for sale, and offering or exposing for sale any goods, wares, merchandise or produce, or any article or thing for which a price is asked. (Ord. 1090; 3-3-26)

POOL ROOM: The term "Pool Room" shall mean any place where one (1) or more pool tables are maintained, whether or not a charge is made for the use of the tables, except private clubs and homes where the general public is not permitted the use of the tables. (Ord. 1250; 3-7-34)

RETAIL: The word "Retail" shall mean any sale direct to the consumer or user for consumption or use and not for resale purposes.

SHOOTING GALLERY: The term "Shooting Gallery" shall mean any place or building where guns or pistols are kept for shooting at targets, whether for hire or not. (Ord. 1090; 3-3-26)

SOFT DRINK PARLOR: The term "Soft Drink Parlor" shall mean any place of business where soda water, commonly known as soda pop, mineral water, soft drinks served from fountains or where any other kind of liquid refreshments are served, either by the glass, bottle or otherwise, to be drunk on the premises. (Ord. 1252; 3-7-34)

SOLICITOR: The word "Solicitor" shall mean any person who goes from house to house or from place to place in the City selling or taking orders for, or offering to sell or take orders for future delivery, or for services to be performed

— in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery, excepting interstate commerce. (Ord. 1090; 3-3-26)

— SPECIAL POLICE OFFICER: The term "Special Police Officer" shall mean any person who, for hire or reward, as a business and as an independent contractor guards or protects persons or property, or patrols streets, districts or territories for such purposes. (Ord. 1409; 2-3-54)

— STAGE: The word "Stage" shall mean any self-propelled vehicle, other than electric or steam cars travelling on rails, used for the transportation of passengers for hire on the streets of the City, and operating between points, one (1) or more of which are within or one (1) or more of which are without the City. (Ord. 1232; 10-30-31)

— STOCK OF MERCHANDISE: The term "Stock of Merchandise" shall mean goods or chattels purchased by the owner for the purpose of resale. (Ord. 1090; 3-3-26)

— STREET: The word "Street" shall mean any street, alley, avenue, highway, court or land in the City. (Ord. 1253; 5-18-34)

— TERMINAL: The word "Terminal" shall mean the place in the City where any stage shall regularly stop for the purpose of taking on or discharging passengers, baggages or other articles carried by stages. (Ord. 1232; 10-30-31)

TRANSFER VEHICLE: The term "Transfer Vehicle" shall mean every conveyance or mechanism moving over or upon the streets or alleys of the City, and used for carrying packages, goods or freight for hire, excepting railroads and streetcars moving on rails.

TRANSIENT MERCHANT: The term "Transient Merchant" shall mean every person engaged or participating in a temporary or transient business of selling or exhibiting for sale goods, wares or merchandise in any room, building or structure, whether he be associated with any local dealer or not, unless such temporary or transient business is conducted upon the premises regularly occupied by the local dealer. (Ord. 1090; 3-3-26)

— WATCHMAN: The word "Watchman" shall mean any person who, for hire or reward, as a business and as an independent contractor guards or protects persons or property, or patrols streets, districts or territories for such purposes. (Ord. 1409; 2-3-54)

— WHOLESALE TRADE VEHICLE: The term "Wholesale Trade Vehicle" shall mean any travelling conveyance propelled, drawn or driven by any motive power and operated for the purpose of selling or delivering goods, wares or merchandise to any person in the City for resale. (Ord. 1253; 5-18-34)

CHAPTER 2

GENERAL LICENSES

SECTION:

- 5-2- 1: Licenses Required
- 5-2- 2: Application for Licenses
- 5-2- 3: Expiration of Licenses
- 5-2- 4: Posting Licenses; Inspection
- 5-2- 5: Transfer of Licenses
- 5-2- 6: Interstate Commerce Excepted
- 5-2- 7: Errors in Classification or Rate
- 5-2- 8: Presumption Created by Advertising
- 5-2- 9: Licenses Subject to Regulation and Revocation
- 5-2-10: Hearing on Revocation
- 5-2-11: Effect of Revocation
- 5-2-12: Auctioneers
- 5-2-13: Peddlers and Hawkers
- 5-2-14: Solicitors
- 5-2-15: Moving Picture Shows
- 5-2-16: Circuses, Carnivals, Shows
- 5-2-17: Shooting Galleries
- 5-2-18: Bowling Alleys
- 5-2-19: Laundry Wagons
- 5-2-20: Woodsaws
- 5-2-21: Transient Merchants
- 5-2-22: License Fees

5-2-1: **LICENSES REQUIRED:** It shall be unlawful for any person to operate or maintain any device, vehicle or thing specified in this Chapter, or to engage in any business, profession, trade or calling herein specified unless he has the appropriate license from the City.

5-2-2: **APPLICATION FOR LICENSES:** All applications for licenses, unless otherwise provided, shall be made in writing to the Recorder or to the Commission as provided in this Chapter.

5-2-3: **EXPIRATION OF LICENSES:** Licenses for auctioneers, peddlers and hawkers, solicitors, photograph salesmen, circuses, carnivals, operatic or mechanical shows shall be issued daily.

Licenses for billiard and pool rooms, wholesale trade vehicles, vehicles for hire, moving picture shows, distributing advertising matter, bill posting, shooting galleries, bowling alleys, junk dealers, laundry wagons and transfer vehicles shall be issued quarterly.

— Licenses for hotels, rooming houses, lodging houses, food establishments, second-hand dealers and woodsaws shall be issued yearly.

— All quarterly licenses shall expire March 31, June 30, September 30, and December 31, of each year. All yearly licenses shall expire on December 31.

5-2-4: POSTING LICENSES; INSPECTION: All licenses shall be posted or kept in such a place that the license may be immediately produced so that any peace officer of the City may enter, at any reasonable time, any place for which a license is required for the purpose of examining the license or for the inspection of the premises.

— Any member of the Police Department, whenever such member is in search of property feloniously obtained or in search of suspected offenders, shall be allowed to enter and to examine the books of any business premises or the business of any junk shop, keeper or dealer in secondhand merchandise, and any such member of the Police Department shall be allowed to examine any property purporting to be pawned, pledged or deposited in the possession of whomsoever such property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

5-2-5: TRANSFER OF LICENSES: Any person desiring to transfer from one (1) location to another or to another person a license to transact business, shall appear in person and submit satisfactory proof to the Recorder of the change in ownership or location. If the Recorder is satisfied that all the provisions of this Code have been complied with, he shall approve the transfer. In case of denial, the applicant shall have the right of appeal in writing to the Commission. Nothing contained in this Section shall be construed to apply to licenses not assignable or transferable.

5-2-6: INTERSTATE COMMERCE EXCEPTED: Any provisions providing licenses for persons engaged in the telegraph or telephone business, or in any form of interstate commerce, shall be construed to apply only to business done within the State, and done to or from the City, and shall not apply to any business done to or from points outside of the State or business done for the government of the United States.

5-2-7: ERRORS IN CLASSIFICATION OR RATE: Any error in classification or rate made by any officer or employee of the City shall not preclude the City from collecting the full amount of the license fee due.

5-2-8: PRESUMPTION CREATED BY ADVERTISING: Any person who advertises or otherwise holds himself out to the public as engaged in any business, profession, trade or calling for which a license is required, shall be presumed as holding himself out to the public as so engaged.

5-2-9: LICENSES SUBJECT TO REGULATION AND REVOCATION: All licenses shall be subject to the regulations imposed by the City and nothing in this Chapter contained shall be construed to create any vested right in any person to the assignment, renewal reissuance or continuance of any license, and the right shall be and remain at all times vested in the Commission, and the Commission may as hereinafter provided, revoke and cancel any license for fraud or misrepresentation in its procurement; or for a violation of any of the provisions of this Chapter, or any other provision of this Code or of any State or Federal Statute, or for any conduct or act of the licensee, or his employees, or permitted by him or them on the premises where such business is conducted, or in connection therewith, or adjacent thereto, tending to render the business or the premises where the same is conducted a public nuisance, or a menace to the health, peace or general welfare of the City; or whenever, in the judgment of the Commission, the public interest demands such revocation.

5-2-10: HEARING ON REVOCATION: Whenever the Commission desires to investigate or revoke any license, it shall notify, or cause to be notified in writing, the licensee of the time and place of the hearing or investigation. Such hearing or investigation shall be informal. Nothing shall operate to prevent the Commission from considering any evidence developed during such hearing or investigation touching or concerning the fitness of the licensee to retain his license. If, upon such hearing or investigation the Commission shall find that cause exists for the revocation of the license, the same may be revoked by a majority vote of the Commission on motion entered in the minutes.

5-2-11: EFFECT OF REVOCATION: Whenever the Commission shall revoke the license of any person holding a license under this Chapter or any of its provisions or for any other reason, it may at the same time also revoke any other license which the person may have for the carrying on of any other business required to be licensed under any provision of this Code, which is operated in connection with the business, the license of which has been revoked, or upon the same premises, and the revocation of any license granted under any of the provisions of this Chapter shall be deemed sufficient cause for the revocation of such other license as herein provided.

Whenever a license to conduct any business has been revoked by the Commission, no license shall be granted or reissued to the same person or at the same location for the same or a different business without the approval of the Commission. As a condition of such approval the Commission may in its discretion require the applicant to file with the Recorder a surety company bond in the penal sum of one thousand dollars (\$1,000.00) with sureties satisfactory to the Commission or deposit with the Recorder a cash bond in the sum of five hundred dollars (\$500.00) which bond or cash shall be forfeited to the City in the event that such person is thereafter convicted of a violation of the Federal, State or City Laws for which the license might be revoked. The bond or cash shall be for the term for which the license is granted and shall not be surrendered or cancelled during the life of the reissued license or pending final determination of any charge or accusation by Federal, State or City officials against the licensee, or any violation of any law which might justify a forfeiture of the cash or bond.

5-2-12: AUCTIONEERS: For license purposes auctioneers shall be classified and grouped as follows:

- (A) Class 1, Special Auctioneer: A special auctioneer is hereby defined as any auctioneer who sells or offers for sale any stock of merchandise which has not been for six (6) months immediately preceding the sale or offer for sale, a part of the regular stock of a merchant or dealer doing business in the City.
- (B) Class 2, General Auctioneer: A general auctioneer is any auctioneer not a special auctioneer.

It shall be unlawful for any person to act as an auctioneer within the City without first having obtained a license as hereinbefore provided. The provisions of this Section, however, shall not apply to judicial or executive officers making auction sales by virtue of any decree of any court, or to public sales by executors and administrators of property of estates.

5-2-13: PEDDLERS AND HAWKERS: It shall be unlawful for any person for himself or as agent of another to peddle or hawk or to engage in the business or occupation of peddling or hawking within the City without first securing a license so to do.

(A) For license purposes peddlers shall be classified as follows:

- 1. Class 1: Those using a vehicle.
- 2. Class 2: Those on foot.

(B) For license purposes hawkers shall be classified as follows:

- 1. Class 1: Those hawking patent medicines using music or other devices to attract attention.
- 2. Class 2: Those hawking patent medicines in any other manner than is provided for in Class 1.
- 3. Class 3: Those hawking articles for sale (other than patent medicines) at retail while traveling from place to place within the City, or from a stand or vehicle upon any street, alley, public or private grounds, and whenever more than one (1) person shall sell or offer to sell from the same stand or vehicle, each of the persons shall be required to take out the license hereinbefore required.

This Section shall not apply to persons peddling newspapers or Bibles, and farmers or persons peddling the products of their own farms or gardens, except as otherwise excepted in this Chapter.

5-2-14: SOLICITORS: It shall be unlawful for any person to act as a solicitor within the meaning and application of this Section without first securing a license from the Recorder as hereinbefore provided.

All orders taken by licensed solicitors shall be in writing, in duplicate, stating the terms thereof and the amount paid, if any, in advance, and one (1) copy shall be given to the purchaser.

5-2-15: (Repealed by Ord. 1540; 12-26-63)

The license shall be issued by the Recorder to any person applying therefor upon the payment of the fee required in Section 5-2-23. The license shall be issued for the period of one (1) quarter, or three (3) months from the date of the application. (Ord. 1090; 3-3-26)

Any person owning or having control of any theater, church or public hall wherein entertainments are held, shall keep and maintain at all times at least two (2) three-celled flash lights in operating condition within the theater, church or public hall, in a convenient place, to be designated by the Fire Chief during the time an entertainment or service is held therein, if the building is lighted by electricity and receives its light wholly from one (1) source. (Ord. 1098; 3-3-26)

5-2-16: CIRCUSES, CARNIVALS, SHOWS: It shall be unlawful for any person to give or conduct any circus, carnival, operatic or mechanical show under canvas, open space or area, within the City where the patronage of the public is solicited and an admission fee is charged or collected without first having obtained a license so to do as hereinbefore provided.

5-2-17: SHOOTING GALLERIES: It shall be unlawful for any person to conduct a shooting gallery within the City without first securing a license so to do, as hereinbefore provided.

No person shall discharge any firearm in any shooting gallery where the noise resulting from such discharge can be heard over a distance of three hundred feet (300') from the shooting gallery.

All shooting galleries must be securely enclosed in such a manner that persons on the outside thereof shall not be endangered or annoyed by the discharge of firearms therein.

5-2-18: BOWLING ALLEYS: It shall be unlawful for any person to conduct a bowling alley within the City without first obtaining a license so to do, as hereinbefore provided.

5-2-19: (Repealed by Ord. 1540; 12-26-63)

— 5-2-20: (Repealed by Ord. 1540; 12-26-63)

— 5-2-21: TRANSIENT MERCHANTS: It shall be unlawful for any person to engage or participate in the business of transient merchant without obtaining a license therefor, as hereinbefore provided. The license shall be issued by the Recorder and shall have indicated thereon the month and the day or days for which the license is granted.

— The sale of each article by any transient merchant, without a license therefor, shall be a separate offense and a separate violation of this Chapter. Any person charged by complaint filed in the Municipal Court of engaging in the business of a transient merchant without first having obtained a license so to do and who claims to be a permanent merchant may in the discretion of the Court and in lieu of the payment of a fine or other penalty, and as a condition of transacting business as a vendor of merchandise without the payment of a license fee, be required to give a surety company bond to the City in the penal sum of one thousand dollars (\$1,000.00), to secure the payment of the license fee required in the event that he fails to become a permanent merchant; provided, that if the person remains in business in the City for six (6) months he shall be considered a permanent merchant. (Ord. 1090; 3-3-26)

— 5-2-22: LICENSE FEES: License fees shall be as follows:

— Auctioneers: General auctioneer, daily, five dollars (\$5.00); special auctioneer, daily, twenty dollars (\$20.00).

— Bill Posting: Per year or fraction thereof, fifty dollars (\$50.00).

— Circuses, Carnivals, Operatic or Mechanical Shows: Per performance, one hundred dollars (\$100.00).

— Distributing Advertising Matter: Annual license, twenty five dollars (\$25.00); license per day, only to include one (1) distributor, one dollar (\$1.00); and each additional distributor, one dollar (\$1.00).

— Hawkers: As defined in Section 5-2-13, Class 1, per quarter, fifty dollars (\$50.00), Class 2 per quarter, twenty five dollars (\$25.00) and Class 3 per quarter, ten dollars (\$10.00).

— Hotels, Lodging Houses and Rooming Houses: Per year or fraction thereof, five dollars (\$5.00).

— Peddlers: As defined in Section 5-2-13, Class 1 peddlers, per quarter, fifteen dollars (\$15.00); Class 2 peddlers, per quarter, ten dollars (\$10.00).

— Solicitors: Per quarter or fraction thereof, six dollars (\$6.00).

— Shooting Galleries: Per quarter or fraction thereof, ten dollars (\$10.00).

— Transient Merchants: Per quarter or fraction thereof, twenty five dollars (\$25.00).

Coin Operated Machines: Per year or fraction thereof, one cent (1¢) vending machines, one dollar (\$1.00); five cents (5¢) or more vending machines, five dollars (\$5.00); one cent (1¢) amusement machines, five dollars (\$5.00); five cent (5¢) or more amusement machines, twenty five dollars (\$25.00); cigarette vending machines, twenty five dollars (\$25.00); music machines, ten dollars (\$10.00). (Ord. 1355; 1-5-49)

Postage stamp machines, one dollar (\$1.00) per year. (Ord. 1422; 6-1-55)

Photography: Per year or fraction thereof, thirty dollars (\$30.00) per annum.

Dance Halls:

Division A:

1. Bona fide social dances to which admission is limited strictly on invitation of the person, organization or society acting as host, and for which no fee either for admission or otherwise is charged; no charge.
2. Classes in which instruction is given for hire to pupils under fourteen (14) years of age; no charge.

Division B: Dances given by an fraternal, charitable, religious or benevolent organization having a regular membership, associated primarily for mutual, physical or mental welfare, to which an admission is limited to members and guests, but for which a fee is charged and the revenue accrues to such organization. For one (1) dance, one dollar (\$1.00).

Division C: Dances for which admission is charged and to which the public is promiscuously invited, and all other dances not otherwise classified in Divisions A, B and C:

For one (1) dance, one dollar (\$1.00).

For not more than one (1) dance each week, quarterly, nine dollars (\$9.00).

For not more than three (3) dances each week, quarterly, twelve dollars (\$12.00).

For not more than six (6) dances each week, quarterly, eighteen dollars (\$18.00). (Ord. 1567; 4-7-65)

CHAPTER 3

BILL POSTING AND HANDBILLS

SECTION:

- 5-3-1: License Required
- 5-3-2: Posting Restrictions
- 5-3-3: Littering Streets with Bills Prohibited
- 5-3-4: Badge Required

5-3-1: LICENSE REQUIRED: It shall be unlawful for any person to distribute circulars, handbills, dodgers, cards, samples, sample copies, or any other matter for advertising purposes without first obtaining a license therefore from the City as provided in Chapter 2 of this Title.

5-3-2: POSTING RESTRICTIONS: It shall be unlawful for any person, whether licensed or not to post, stick, stamp, paint, nail, hang, tack, or otherwise affix or cause to be done by another, any notice, placard, bill, poster or advertisement to or upon any sidewalk or crosswalk, curb, curbstone, lamp post, hydrant, shade tree, fence, gate, gate post, or enclosure awning or awning post, telegraph pole, electric light or power pole, or telephone pole or to place the same in any automobile standing upon any of the streets or alleys or public places of the City, or for any person whether licensed or not to post, stick, stamp or otherwise affix any notice, placard, bill, poster or advertisement upon any building, wall, or part thereof, without first obtaining permission of the owner or occupant of the premises, or for any person to distribute on the streets, alleys or public parks of the City by handing to pedestrians passing along or standing upon the street any poster, advertisement, notice, bill or placard.

5-3-3: LITTERING STREETS WITH BILLS PROHIBITED: It shall be unlawful for any person to throw into or drop upon, or cause to be thrown in or upon any street or sidewalk any bill, poster, dodger, or other advertisement.

5-3-4: BADGE REQUIRED: Each person engaged in the placing or distributing of advertising matter shall wear on his person in a conspicuous place a numbered metallic badge designating the person as a licensed distributor. The badge shall be furnished by the Recorder for one dollar (\$1.00) each when the license is issued and when the license for which the badge is issued expires the same must be returned to the Recorder who shall pay therefor the sum of one dollar (\$1.00). (Ord. 1226; 1-7-31)

CHAPTER 4

POOL AND BILLIARD ROOMS

SECTION:

- 5-4-1: Application For Permit
- 5-4-2: Operation Restrictions
- 5-4-3: Minors Prohibited
- 5-4-4: Revocation; Transfer of Permit
- 5-4-5: Exceptions to Chapter

— 5-4-1: **APPLICATION FOR PERMIT:** Every person desiring to carry on a pool or billiard room or have pool or billiard tables in their premises in the City, shall first obtain a permit therefor as follows: Application for such permit shall be made to the City Commission on forms provided by the City Recorder, and such form shall be signed by the applicant, and shall state the particular place where such room or pool or billiard table is to be located and such other information as required.

— 5-4-2: **OPERATION RESTRICTIONS:** It shall be unlawful for the proprietor of any pool or billiard room or premises where pool or billiard tables are permitted as agent or employee, to permit any form of gambling therein or any game of cards or dice or other contrivance whatever, or to permit any person under the influence of intoxicating liquor in such room or premises.

— 5-4-3: **MINORS PROHIBITED:** It shall be unlawful for the proprietor of any pool or billiard room or premises where pool or billiard tables are permitted to permit any minor to enter or loiter in or about such room or premises or to engage in or play any game of pool or billiards therein or any other game of chance either for amusement or otherwise, except as provided in Section 5-4-5 of this Chapter.

It shall be unlawful for any minor to go into or remain in or about any pool or billiard room or premises where pool or billiard tables are permitted, except as provided in Section 5-4-5 of this Chapter.

— 5-4-4: **REVOCAION; TRANSFER OF PERMIT:** The Commission may revoke the permit of any pool or billiard room or place where pool or billiard tables are located for just cause after investigation and recommendation by the City Manager. No permit under this Chapter shall be transferable to another without the consent of the Commission.

5-4-5: EXCEPTIONS TO CHAPTER: A public recreation or amusement center where no liquor is served may be permitted by the Commission after due investigation to maintain pool and billiard tables, without the necessity of complying with Section 5-4-3 of this Chapter providing such applicant shall comply with the Laws of the State applicable thereto. (Ord. 1565; 3-3-65)

CHAPTER 5

HOTELS; ROOMING HOUSES

SECTION:

- 5-5- 1: License Required
- 5-5- 2: Investigation of Licenses
- 5-5- 3: Right to Revoke License
- 5-5- 4: Qualifications of Licensees
- 5-5- 5: License Nontransferable
- 5-5- 6: Immoral Practices Prohibited
- 5-5- 7: Hotel Register
- 5-5- 8: False Registration Prohibited
- 5-5- 9: Use of Rooms by Opposite Sexes
- 5-5-10: Numbering of Rooms
- 5-5-11: Liability for Violation
- 5-5-12: License to be Displayed
- 5-5-13: Revocation of License; Hearing
- 5-5-14: Gambling; Liquor Prohibited

- 5-5-1: **LICENSE REQUIRED:** No person shall conduct, manage, or operate or cause to be conducted, managed or operated any hotel, rooming house or lodging house within the City without having first obtained a license from the City so to do.
- 5-5-2: **INVESTIGATION OF LICENSES:** The Chief of Police shall examine into and investigate the character and qualifications of applicants for licenses within the meaning of this Chapter and report to the Commission his recommendation as to whether or not a license shall be issued to the applicant.
- 5-5-3: **RIGHT TO REVOKE LICENSE:** Nothing in this Chapter contained shall be construed to deprive the Commission of power to revoke any license issued as herein provided.
- 5-5-4: **QUALIFICATIONS OF LICENSEES:** No license shall be issued to any person to conduct a hotel, rooming house or lodging house within the City unless such person is of ascertained good moral character, and can read, speak, write and understand the English language; and when application for a license is made, the applicant shall present himself in person to the Recorder and at such time shall present to the Recorder satisfactory proof of good moral character, and ability to read, speak, write and understand the English language. When application for license is made by or on behalf of a partnership, corporation or association, the application shall be made by the manager, officer, agent, or other person who will have the charge and management of the hotel, rooming house or lodging house.

5-5-5: **LICENSE NONTRANSFERABLE:** No license issued as in this Chapter provided shall be transferred or assigned.

5-5-6: **IMMORAL PRACTICES PROHIBITED:** No person to whom a license shall be issued, as provided in this Chapter, shall permit the hotel, rooming house or lodging house to which the license relates, to be used as a house of ill fame, brothel, bawdy house or disorderly house, for the purpose of prostitution, fornication or lewdness; or suffer any lascivious cohabitation, adultery, fornication or other immoral practice to be carried on therein.

5-5-7: **HOTEL REGISTER:** Every person to whom a license shall have been issued to conduct a hotel, rooming or lodging house shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests or persons renting or occupying rooms in the house, which register shall be signed by the person renting a room, or by someone under his direction. The registration must be made, and after the name so inscribed or registered, the manager of the house shall write the number of the room which the person is to occupy, together with the time when the room is rented, all of which shall be done before the person is permitted to occupy the room. Such register shall be at all times open to inspection by any guest of the house wherein the register is kept and to any executive or peace officer of the City or of the State.

5-5-8: **FALSE REGISTRATION PROHIBITED:** It shall be unlawful for any person to write in any hotel register any other or different name than the true name of the person, or the name by which the person is generally known.

5-5-9: **USE OF ROOMS BY OPPOSITE SEXES:** No room shall be assigned to two (2) persons of the opposite sex, except in the case of children accompanied by parent or guardian, unless such persons shall be registered as husband and wife.

5-5-10: **NUMBERING OF ROOMS:** Any person to whom a license shall have been issued, as provided in this Chapter shall cause each sleeping room and apartment in the house to which the license relates to be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to the room, and no two (2) such doors shall bear the same number.

5-5-11: **LIABILITY FOR VIOLATION:** Where a license shall have been issued to any co-partnership, corporation or association to conduct a hotel, rooming house or lodging house, any person having charge, management or control of the hotel, rooming house or lodging house shall be liable to prosecution for any violation of this Chapter.

For the purpose of determining the liability of any person to prosecution for violation of any of the provisions of this Chapter, it shall be sufficient to show that the person was at the time of the act of violation complained of, the person in actual charge, management or control of the house in which the act is alleged to have been committed.

5-5-12: LICENSE TO BE DISPLAYED: When a license is issued it shall contain the nationality of the licensee and he shall keep the same conspicuously displayed. If an alien, he shall also have displayed therewith a card or sign showing the nationality of his employees.

5-5-13: REVOCATION OF LICENSE; HEARING: The Commission may cancel any license issued hereunder for violation of any provisions hereof. Before the cancellation, however, the licensee shall be notified, and shall have a hearing before the Commission, if demanded.

5-5-14: GAMBLING; LIQUOR PROHIBITED: It shall be unlawful for any person who conducts a hotel, rooming house, lodging house or restaurant under the provisions of this Chapter to permit gambling, or drinking of intoxicating liquor, in the hotel, rooming house, lodging house or restaurant.

It shall be unlawful for the owner or proprietor of any restaurant adjoining or connected to a lodging house or a hotel to play, or to permit music to be played after 11:00 P.M. (Ord. 1090; 3-3-26)

CHAPTER 6
NURSING HOMES

SECTION:

- 5-6- 1: Definitions
- 5-6- 2: License Required
- 5-6- 3: Application for a License
- 5-6- 4: Investigation
- 5-6- 5: Issuance of License
- 5-6- 6: Licenses; Terms
- 5-6- 7: Refusal of License
- 5-6- 8: Rules and Regulations
- 5-6- 9: Records; Reports
- 5-6-10: Record of Employees
- 5-6-11: Inspection of Records
- 5-6-12: Inspections; Revocation of License
- 5-6-13: Compliance Required
- 5-6-14: Zoning Restrictions
- 5-6-15: Revocation of License

5-6-1: DEFINITIONS: For the purpose of this Chapter the following terms, phrases, words, and their derivations shall have the meanings given herein:

AGED: The word "Aged" shall mean any person sixty-five (65) years of age or over.

APPLICANT: The word "Applicant" shall mean a person that submits to the Health Department an application for a license or the renewal of a license to conduct, operate or maintain a nursing home under the provisions of this Chapter.

INMATE: The word "Inmate" shall mean any person accommodated, cared for, treated, hospitalized, or boarded in any nursing home.

LICENSEE: The word "Licensee" shall mean a person having a City license in full force and effect issued hereunder for a nursing home.

NURSING HOME: The term "Nursing Home" shall mean any nursing home, convalescent home, institution, home, place or facility for the accommodation, care, hospitalization, treatment or boarding of one (1) or more aged, sick, infirmed, convalescent, invalid, mentally ill, feeble-minded, incompetent, decrepit, blind, disabled, injured, infected or chronically ill person, drug addict, dipsomaniac, or inebriate, for which accommodation, care, treatment, boarding or hospitalization a charge is made or compensation is required or expected, whether by fee or gift; provided, however, that the accommodation, care, treatment, hospitalization or boarding in a household or family, for compensation or otherwise of a person related by blood to the head of such household or family, or to his spouse, within and including the fourth degree of

consanguinity within the Law of this State, shall not be deemed to constitute a nursing home within the meaning of this Chapter; provided further, that the provisions of this Chapter shall not apply to any nursing home, hospital, clinic, treatment center, institution or other facility operated or maintained by or under the jurisdiction of the State, any agency or political subdivision of the State, or by any other public body or public entity, or operated or maintained pursuant to State license or permit or State supervision.

5-6-2: LICENSE REQUIRED: It shall be unlawful for any person to conduct, operate or maintain or permit to be conducted, operated or maintained, or to participate in the conduct, maintenance or operation of a nursing home within the City unless the Health Department has issued a valid license therefor which is in full force and effect.

5-6-3: APPLICATION FOR A LICENSE: Application for a license hereunder shall be made to the Health Department in such form and manner as it may prescribe. The application shall include such information and data respecting the nursing home for which the license is requested as the Health Department may prescribe, including a description of the facility and service and a statement of the personnel and program that are to be used therefor.

5-6-4: INVESTIGATION: Upon receipt of an application for a license hereunder, the Health Department shall cause an investigation to be made of the activities, services and facilities of the applicant, including the character, reputation, health and qualifications of the applicant and members of the applicant's staff and of the applicant's financial responsibility. The applicant shall afford the representatives of the Health Department reasonable opportunity to inspect the applicant's nursing home for which the license is requested, its books and records and to interview the applicant's agents and employees and any inmate within the care or custody of the applicant in such nursing home.

5-6-5: ISSUANCE OF LICENSE: Upon completion of such investigation the Health Department shall issue a City license to the applicant for the nursing home when it finds and determines that the applicant is adequately qualified and equipped to conduct, operate and maintain the nursing home for which the license is to be issued; that such nursing home conforms to the requirements of this Chapter; that it will be operated and maintained in such manner as to be conducive to the benefit and welfare of the inmates in such nursing home; that the applicant's financial responsibility is such as to give reasonable assurance of the continued operation and maintenance of such facility; and that the applicant and the applicant's staff are of good character and reputation.

5-6-6: LICENSE; TERMS:

(A) **Number of Inmates:** The license when issued shall designate the maximum number of inmates to be accommodated in the nursing home to which it applies and this number shall at no time be exceeded.

- (B) **Expiration:** Each license, whether an original or a renewal license, shall expire at the end of one (1) year from the date of its issuance, which date of expiration shall be stated upon its face, unless sooner revoked or surrendered.
- (C) **Form and Transferability:** The licenses shall be issued on forms prescribed by the Health Department. Licenses shall not be transferable either as to place or person.
- (D) **Provisional License:** The Health Department may issue a provisional license to any applicant for any period not to exceed six (6) months if the applicant is temporarily unable to comply with all the requirements of this Chapter. Such provisional license may be renewed but only for one (1) additional period, not exceeding six (6) months; provided, that the applicant has made reasonable efforts to comply with such requirements.
- (E) **Delays:** In the event of delay on the part of the Health Department to take final action upon an application for a license within ninety (90) days after submittal, it shall be lawful for the applicant to engage in the operation of the nursing home for which the license has been applied for until the Health Department has taken final action on the application and has notified the applicant thereof.

— **5-6-7: REFUSAL OF LICENSE:** The Health Department shall deny a license for a nursing home if it shall appear to its satisfaction that the applicant, or if the applicant be a corporation, any officer or person who is to be in charge of such nursing home, has been convicted of a felony, or of a misdemeanor involving moral turpitude, or has had inadequate training or experience in the care of inmates of the nursing home.

— **5-6-8: RULES AND REGULATIONS:** The Health Department shall have the power and is hereby authorized to promulgate such rules and regulations for the operation of nursing homes in the City which it finds necessary or proper to carry out the intent of this Chapter.

— **5-6-9: RECORDS; REPORTS:** Every licensee hereunder shall provide and maintain in such nursing home a register in bound book form setting forth the following facts concerning each inmate received, cared for or accommodated in such nursing home:

- (A) Name.
- (B) Last previous address.
- (C) Age.
- (D) Date of admission.
- (E) Next of kin.
- (F) Name and address of the person responsible for the care and maintenance.

- (G) Name of inmate's attending physician.
- (H) All written or verbal orders of the inmate's attending physician and the date on which such orders were given.
- (I) Date of discharge or death.
- (J) Cause of death.
- (K) Disposition of personal effects at death.
- (L) The amount and disposition of any money or other valuable deposited with the licensee to the credit of the inmate.

All entries required herein shall be made within twenty-four (24) hours from the time of admission, or from the time of occurrence of the event required to be recorded. Every licensee shall keep and maintain such other records and make such reports to the Health Department as it may reasonably require upon such forms as it may prescribe.

5-6-10: RECORD OF EMPLOYEES: Every licensee shall maintain a record setting forth the following facts concerning each nurse, attendant or other employee in such nursing home:

- (A) Name.
- (B) Age.
- (C) Date employment began in the nursing home.
- (D) Present and last previous address.
- (E) Name and address of employers during the preceding three (3) year period.
- (F) Position and duties.
- (G) If employed as a nurse, date of State registration.
- (H) Date employment terminated.
- (I) Reason for termination.

A copy of such record shall be delivered to the Health Department at its office in the City not later than seventy-two (72) hours following the employment of any such person.

5-6-11: INSPECTION OF RECORDS: All records required to be kept under the terms of this Chapter by the licensee shall be open to inspection by the Health Department at all reasonable hours. It shall be unlawful to make any false entries in said records. In addition to the penalties provided in this Code, falsification of such records or the omission of information required thereon shall be cause for revocation of the license.

5-6-12: INSPECTIONS; REVOCATION OF LICENSE: It shall be the duty of the Health Department to inspect nursing homes for which licenses have been issued hereunder as often as it shall be necessary for the adequate control and supervision of the same, and the Health Department shall have the right to enter all such homes at any reasonable time for the purpose of making necessary investigations and inspections, and shall be charged with the responsibility of enforcing and administering the provisions of this Chapter. Every nursing home shall at all reasonable times be open for inspection by the Fire Chief and the Building Department of the City as well as the Health Department.

In case of any failure by a licensee to comply with the requirements of this Chapter or any rules and regulations promulgated pursuant hereto, the Health Department shall notify the licensee to correct the noncompliance, breach, default or illegal condition within such number of days as is reasonable in the light of the conditions to be remedied. In the event of failure, or upon refusal of the licensee, to comply with the Health Department's instructions, the Health Department shall revoke the license; provided, however, that upon a showing of hardship or other circumstances warranting such action, the Health Department shall have the authority to grant an extension of time for compliance with the Health Department's instructions.

5-6-13: COMPLIANCE REQUIRED: No license for a nursing home shall be issued hereunder unless it is determined that the provisions of this Code applicable to such nursing home are being observed and complied with, including the provisions relating to health, sanitation, safety, fire, buildings, housing, electrical and other provisions relating thereto.

5-6-14: ZONING RESTRICTIONS: No license shall be issued for a nursing home if the location thereof shall be in violation of the Zoning provisions of this Code, unless such nursing home was being operated in such a locality as a nursing home prior to the enactment of the Zoning provisions.

5-6-15: REVOCATION OF LICENSE: The Health Department may revoke or suspend any license for a nursing home if it is determined that the nursing home is being operated or maintained in violation of the requirements of this Chapter or of the regulations promulgated pursuant to this Chapter or for any of the following causes:

- (A) Fraud or misrepresentation in obtaining the license.
- (B) Maltreating or abusing any inmate of such nursing home.
- (C) Using practices inimical to the physical, mental or moral well-being of any inmate.
- (D) Conducting the nursing home in a manner constituting a breach of the public peace or a menace to the public health, safety, morals or welfare.

Such revocation or suspension of the license shall be in addition to any other penalty that may be provided by Law. (1963 Code)

CHAPTER 7
FOR-HIRE VEHICLES

SECTION:

5-7-1: License Required
5-7-2: Number of Taxicabs Limited
5-7-3: Rates

5-7-1: LICENSE REQUIRED: It shall be unlawful for any owner or driver of any taxicab or for-hire car operating over the streets of the City as a public utility for hire, in carrying passengers, freight or express to operate any such vehicle without first having obtained a license therefor as provided in Chapter 2 of this Title. No license shall be issued to any person for a period of time longer than twelve (12) months. (Ord. 1090; 3-3-26)

5-7-2: NUMBER OF TAXICABS LIMITED: The number of taxicabs authorized to operate in the City and a three (3) mile radius therefrom shall be based upon the population of the City and the area within the three (3) mile radius, being determined in the ratio of one (1) taxicab to each two thousand five hundred (2,500) inhabitants reported in the preceding United States Government census.

5-7-3: RATES: The rates of taxicabs shall be filed with the Recorder and shall be subject to the approval of the Commission.
(Ord. 1376; 4-4-51)

CHAPTER 8

INTERURBAN STAGE TERMINALS

SECTION:

- 5-8-1: Terminals to be Established
- 5-8-2: Location of Terminals
- 5-8-3: Application; Approval
- 5-8-4: License Required

5-8-1: **TERMINALS TO BE ESTABLISHED:** All stages running in and out of the City shall adopt and establish a terminal therefor within the City Limits, and shall stop and start from such terminal in the manner as hereinafter provided, and no person shall operate any stage or stage line in the City without so providing a terminal therefor in accordance with the provisions of this Chapter, and no such terminal shall be so located that cars shall enter or depart from the terminal from Main Street between 8th Street and 5th Street and from 7th Street between Main Street and Railroad Avenue.

5-8-2: **LOCATION OF TERMINALS:** Every terminal shall be established and located upon private property in such location as shall be approved by the Commission and no such terminal shall be established or maintained upon any street in the City. Every such terminal shall be established, located and arranged for the accommodation of stages while waiting for, receiving passengers, for loading and unloading of passengers, baggage and other articles carried by the stages, and all passengers, baggage or other articles carried by the stages shall be loaded and unloaded on private property within the terminal building or adjoining premises, and all such terminals shall be provided with proper sanitation facilities, with adequate lights, heat and other facilities and conveniences to properly serve the patrons of the stage lines.

5-8-3: **APPLICATION; APPROVAL:** No terminal for any stage line shall be established in the City unless the location thereof shall have been approved by the Commission, and every person proposing to establish such a terminal shall file in writing with the Recorder an application for the approval of the terminal by the Commission, which application shall contain a description of the location of the proposed terminal, and a statement showing the facilities and conveniences proposed to be furnished for the patrons of the stage line, whereupon the Recorder shall present such request to the Commission, and the Commission shall hear and determine the matter and shall approve or disapprove the establishment of the proposed terminal.

5-8-4: (Repealed by Ord. 1540; 12-26-63)

CHAPTER 9

JUNK SHOPS; SECONDHAND DEALERS

SECTION:

- 5-9-1: License Required
- 5-9-2: Vehicles to Bear Sign
- 5-9-3: Records to be Kept
- 5-9-4: Purchases from Minors
- 5-9-5: Failure to Keep Register

5-9-1: LICENSE REQUIRED: It shall be unlawful for any person to engage in the business of buying or selling of old lead, old metal, secondhand sacks, rubber, or any other article usually found in a junk shop or secondhand store, secondhand furniture of any kind, or any other article of secondhand merchandise or property whatever within the City without first procuring a license therefor, as provided for in Chapter 2 of this Title.

5-9-2: VEHICLES TO BEAR SIGN: The owner or driver of every vehicle which he shall use for buying or selling any article of secondhand merchandise, or anything as herein mentioned shall place the words, "Junk Dealer", together with the number of his vehicle as named in his license, upon each side of his vehicle in a neat and legible manner in letters and figures not less than three inches (3") long and proportionable width, and the words and figures shall not be changed or removed while the vehicle is used for the purpose aforesaid. The owner or driver of every vehicle as herein stated, when not connected with a store or junk shop in the City shall pay the same license as a junk dealer.

5-9-3: RECORDS TO BE KEPT: All persons who carry on the business of keeping a junk shop or secondhand store, as defined in this Chapter or who shall use a vehicle in buying and selling junk or secondhand merchandise of any kind, shall keep a register in which shall be entered in legible writing a description of all property purchased of any description whatever, whether new or old, together with the names and residences of the persons from whom such property was purchased or received and the date thereof. The register shall be kept in the English language and shall at all times be subject to the examination of the Chief of Police or any peace officer in the City.

5-9-4: PURCHASES FROM MINORS: When any articles are purchased from any person under the age of twenty-one (21) years the purchaser shall require a written statement from the parents or guardian of such person that the seller is the owner thereof, and if the article has been purchased by him, then such statement shall give the name and residence of the party from whom he has purchased it and the date thereof.

5-9-5: FAILURE TO KEEP REGISTER: Any person carrying on the business of junk or secondhand dealer who shall fail or neglect to keep a register, or who shall refuse to exhibit the same to the Chief of Police or other peace officer of the City, when requested so to do, or who shall fail to keep the record of the register as herein required, shall be deemed guilty of a misdemeanor, and shall forfeit the license of the junk shop, vehicle or second-hand store. The Chief of Police or any peace officer of the City shall have authority at all reasonable hours, to examine the register and all articles kept in the shop or store. (Ord. 1090; 3-3-26)

CHAPTER 10
COIN OPERATED MACHINES

SECTION:

- 5-10-1: License Required
- 5-10-2: License Fees
- 5-10-3: Postage Stamp Machines
- 5-10-4: Pinball Machines Prohibited
- 5-10-5: Use of Slugs Prohibited

5-10-1: LICENSE REQUIRED: It shall be unlawful for any person to have, operate, lease, place or permit to be operated or used or to have in his possession any coin operated machine without the payment of a license as herein provided.

5-10-2: LICENSE FEES: The license fee for each coin operated machine per year or any fraction thereof shall be as follows:

One cent (1¢) vending machine, one dollar (\$1.00).

Five cents (5¢) or more vending machine, five dollars (\$5.00).

One cent (1¢) amusement machine, five dollars (\$5.00).

Five cents (5¢) or more amusement machine, twenty-five dollars (\$25.00).

Cigarette vending machine, twenty-five dollars (\$25.00).

Music machine, ten dollars (\$10.00). (Ord. 1355; 1-5-49)

5-10-3: POSTAGE STAMP MACHINES: Postage stamp machines shall not be included in the foregoing classification but shall be specially licensed at the rate of one dollar (\$1.00) per machine per year or any fraction thereof. (Ord. 1422; 6-1-55)

5-10-4: PINBALL MACHINES PROHIBITED: This Chapter shall not in any way be construed to permit the licensing or operation of any pinball game, dart game, or other games of like character as prohibited by ordinance proposed by initiative petition and passed by the electors of the City on November 3, 1942. (Ord. 1355; 1-5-49)

5-10-5: USE OF SLUGS PROHIBITED: It shall be unlawful for any person to deposit in coin boxes, whether in amusement games, music boxes, or any other device, any "slug" not authorized to be used in the machine.

All machines requiring the use of money in automatically regulated devices shall be used only with money or with the authorized equivalent thereof. (Ord. 1304; 8-6-41)

CHAPTER 11
PHOTOGRAPHY

SECTION:

- 5-11-1: License Required
- 5-11-2: Bond; License Fee
- 5-11-3: Release of Bond
- 5-11-4: Establishment of Permanent Business

— 5-11-1: LICENSE REQUIRED: No person except as in this Chapter provided, shall canvas, solicit for, or make photographs for sale or photographic reproduction for sale, directly or by coupon or otherwise, or operate a studio, nor call from house to house for the purpose of exposing negatives or positives without first having made application for and received from the Recorder a written permit and license to do such work.

— 5-11-2: BOND; LICENSE FEE: Whenever any such application is made to the Recorder, and before the permit is issued by the Recorder, such applicant shall deposit with the Recorder the sum of five hundred dollars (\$500.00) lawful money of the United States, or a surety bond in the sum of five hundred dollars (\$500.00) of a surety company authorized to do business in the State, conditioned on applicant's good, honorable and lawful possession and proper and legal distribution of negatives or positives and/or photographic reproductions of the same, exposed or reproduced by order of his customers, and upon the faithful performance of all his contracts for such work. The bond shall be in favor of the City and for the benefit of any person who may be injured by the applicant's activities.

— The applicant shall also pay a license fee to the Recorder in the sum of thirty dollars (\$30.00).

— 5-11-3: RELEASE OF BOND: The applicant upon discontinuing such business, shall give notice thereof to the Recorder and sixty (60) days thereafter, and after all of his business and contracts have been completed and performed the bond may be released, and returned to the applicant; provided, that no claims, judgments, or actions are pending or outstanding against the bond or deposit. When the applicant has maintained a studio and permanent place of business in the City continuously for one (1) year from the date the permit was granted, the deposit shall be released to the applicant; provided, that there are no claims, judgments, or actions pending and outstanding against the deposit or bond.

5-11-4: ESTABLISHMENT OF PERMANENT BUSINESS: Whenever the applicant shall have been located and engaged in such practice of photography in the City continuously for a period of one (1) year or longer, the permit and license shall be issued to the applicant without payment of the license fee or deposit of the bond, upon application therefor to the Recorder and upon the presentation by the applicant to the Recorder of the recommendations of four (4) reliable residents of the City who have been customers of the applicant, which recommendations shall state that the applicant is honest, reliable, dependable, and of good reputation. (Ord. 1278; 4-13-36)

CHAPTER 12

DANCE HALLS

SECTION:

- 5-12- 1: Equipment and Ventilation of Halls
- 5-12- 2: Use of Intoxicants
- 5-12- 3: Use of Return Checks Prohibited
- 5-12- 4: Sunday Dances Prohibited
- 5-12- 5: Special Charges Prohibited
- 5-12- 6: Misconduct in Dance Halls
- 5-12- 7: Condition of Premises
- 5-12- 8: Dance License; Matron
- 5-12- 9: Time of Application
- 5-12-10: Chief of Police to Investigate Application
- 5-12-11: Inspection by Police
- 5-12-12: Suspension of License
- 5-12-13: Closing Hour
- 5-12-14: Attendance of Minors
- 5-12-15: Character and Manner of Dances
- 5-12-16: Certain Dances Prohibited
- 5-12-17: Intoxicated Persons Barred
- 5-12-18: Smoking Prohibited Inside Hall
- 5-12-19: Conduct of Participants
- 5-12-20: Exemptions
- 5-12-21: Schedule of Fees

5-12-1: **EQUIPMENT AND VENTILATION OF HALLS:** No license shall be issued unless the dance hall shall comply with and conform to all provisions of this Code and regulations of the City and be well ventilated and supplied with separate dressing rooms for men and women, and be a safe and suitable place for the purpose for which it is to be used.

5-12-2: **USE OF INTOXICANTS:** No person shall serve, have or drink any intoxicating liquor in or about any dance hall, and no dance shall be held or conducted in any place where intoxicating liquor may be obtained without leaving the dance hall and payment of the regular entrance charge in case of a return.

5-12-3: **USE OF RETURN CHECKS PROHIBITED:** No person shall give to any person leaving the dance hall a return check or other token whereby readmission to the dance hall can be obtained without the payment of a fee the same as on original admission, and no persons leaving a hall shall receive any ticket or token or gain readmission without paying the same fee as upon original admission.

5-12-4: **SUNDAY DANCES PROHIBITED:** No person shall hold or participate in any dance on Sunday.

5-12-5: **SPECIAL CHARGES PROHIBITED:** No owner or manager or any servant of any owner of any dance, ball, dancing school or dance hall shall charge any fee for participation in any individual dance other than an entrance fee to the dance hall, and females shall not be admitted free, but shall be charged at least one-half (1/2) of the amount which may be charged for males.

5-12-6: **MISCONDUCT IN DANCE HALLS:** Any person to whom a dance hall license has been issued shall retain the right, at any time, to cause dancing or the use of the dance hall to be suspended, and in case of knowledge or credible information shall come to him that any of the provisions of this Chapter are being violated, he shall forthwith cause the violation to cease or cause dancing in the dance hall to be discontinued, and the same to be vacated, and if it shall appear to the Recorder, in proceedings against the holder of the license, or otherwise, that the holder has been negligent or dilatory in performing his duties under this Chapter, the Recorder shall forthwith suspend the license and send notice by mail of such suspension to the holder. The Recorder shall reinstate the licensee on recommendation of the Chief of Police, if it shall be made to appear that the holder of the license has been diligent in performing his duties under this Chapter. If such showing is not made within ten (10) days after the mailing of the notice, the license shall stand suspended. If at any time any license shall be suspended under this Chapter no other license shall be issued to the person within a period of six (6) months.

5-12-7: **CONDITION OF PREMISES:** The holder of such license shall keep the dance hall in a clean, healthful and sanitary condition at all times, and have the stairways and other passages and all rooms and places connecting with such hall at all times open and well lighted.

5-12-8: **DANCE LICENSE; MATRON:** It shall be unlawful for any person to hold any dance without first having paid to the Recorder a fee as hereinafter provided, and obtaining a dance license therefor, and providing at least one (1) female hall manager of good moral character to be approved by the Chief of Police.

5-12-9: **TIME OF APPLICATION:** The application for a license shall be made to the Recorder at least twenty-four (24) hours before the dance is to begin and the license shall be valid only for one (1) dance at the time and place stated in application.

5-12-10: **CHIEF OF POLICE TO INVESTIGATE APPLICATION:** The Chief of Police shall examine and investigate the place to which the application refers and report to the Recorder in writing whether the place conforms to the provisions of this Chapter and whether arrangements have been made for

lighting the same. No license shall be issued unless the Chief of Police shall recommend its approval, in writing. The Chief of Police, or other police officer on duty at the time the dance is being conducted shall be given at all times free access to the hall or place for the purpose of inspecting the same.

5-12-11: INSPECTION BY POLICE: Each and every dance hall license and dance license shall be given subject to the condition and provision that the Chief of Police or other officer on duty shall have the right to attend any dance for the purpose of inspecting the same, and no persons shall deny or refuse such officer admission thereto at any and all times while the same is being used for a dance, and it shall be the duty of the officer to faithfully visit all dances for which licenses have been given and see that the provisions of this Chapter are well and truly complied with, and to arrest and prosecute any and all persons violating any of the provisions of this Chapter.

5-12-12: SUSPENSION OF LICENSE: It shall be the duty of the officer to forthwith suspend any license and cause any dance being held to be discontinued or terminated and the place where the same is being held to be vacated when any violation of the provisions of this Chapter shall not be at once corrected, upon notice by him to the persons in charge to correct the same. (Ord. 1110; 4-28-26)

5-12-13: CLOSING HOUR: Dances shall be terminated by 1:00 A.M. All dances shall be discontinued and all dance halls shall be closed on or before the hour of 1:00 A.M. (Ord. 1262; 1-2-35)

5-12-14: ATTENDANCE OF MINORS: It shall be unlawful to permit any person to attend or take part in any dance or remain in a public dance hall, if the person is under eighteen (18) years of age, unless the person is in company of at least one (1) of his parents or a legal guardian. It shall be unlawful for any person to make misrepresentation or false statement as to the age of himself, or any other person, for the purpose of obtaining the admission of the person as to whose age the statement or representation is made to any dance public hall, or the permission for the person to remain therein in violation of this Chapter, and it shall be unlawful for any person to represent himself to be a parent or legal guardian of any other person in order that the other person may obtain admission to the dance hall, or be permitted to remain therein in violation of this Chapter.

5-12-15: CHARACTER AND MANNER OF DANCES: No dance of a gross or vulgar character shall be permitted in any dance hall, and no person shall be permitted to conduct himself in a gross or vulgar manner in such a place. The matron of the dance hall shall have full power to decide what is proper or permissible in this connection, and on her notifying the person in charge of the dance that improper conduct is being indulged, then the person shall at once cause the improper conduct to be stopped. If he fails to do so, the matron shall close the dance hall immediately.

5-12-16: CERTAIN DANCES PROHIBITED: The hall shall be brightly lighted during the progress of the dance and so called "shadow dances" and "moonlight" dances shall be prohibited.

5-12-17: INTOXICATED PERSONS BARRED: No intoxicated person shall be permitted in any dance hall during the progress of any dance.

5-12-18: SMOKING PROHIBITED INSIDE HALL: Smoking shall not be permitted in the dance hall proper, nor in any anteroom reserved for ladies, or in the hallway leading to the dance hall.

5-12-19: CONDUCT OF PARTICIPANTS: Boisterous conduct and profanity shall be prohibited in dance halls and the hallways leading thereto. No dance of a gross or vulgar character shall be permitted in any dance hall and no person shall be permitted to conduct himself in a gross or vulgar manner in the place.

5-12-20: EXEMPTIONS: The provisions of this Chapter shall not apply to any dances conducted under the auspices and personal supervision of the superintendent or principal of the public or private schools.

5-12-21: SCHEDULE OF FEES: The schedule of fees for licensing dance halls shall be as follows:

(A) Division A:

1. Bona fide social dances to which admission is limited strictly on invitation of the person, organization or society acting as host, and for which no fee either for admission or otherwise is charged, no charge.

2. Classes in which instruction is given for hire to pupils under fourteen (14) years of age, no charge.

(B) Division B: Dances given by any fraternal, charitable, religious or benevolent organization having a regular membership, associated primarily for mutual, physical or mental welfare, to which an admission is limited to members and guests, but for which a fee is charged and the revenue accrues to such organization. For one (1) dance, one dollar (\$1.00).

(C) Division C: Dances for which admission is charged and to which the public is promiscuously invited, and all other dances not otherwise classified in Divisions A, B, and C:

For one (1) dance, one dollar (\$1.00).

For not more than one (1) dance each week, quarterly, nine dollars (\$9.00).

For not more than three (3) dances each week, quarterly, twelve dollars (\$12.00).

For not more than six (6) dances each week, quarterly, eighteen dollars (\$18.00). (Ord. 1110; 4-28-26)

CHAPTER 13
MERCHANT PATROL

SECTION:

- 5-13- 1: Application for License
- 5-13- 2: Powers and Duties

5-13-1: APPLICATION FOR LICENSE: Any person desiring to be licensed as a watchman, merchant patrolman or special police officer shall make application to the Chief of Police for investigation and recommendation. The application shall contain the full name, age and address of the applicant, his occupation for the five (5) years preceding and as references the name and address of three (3) citizens of the City who have known the applicant for one (1) year or more. Within seven (7) days after receipt of an application, the Chief of Police shall return it to the Commission together with his report and recommendation for their approval or rejection. Any license issued under the provisions of this Chapter may be revoked by the Commission at any time with or without cause.

5-13-2: POWERS AND DUTIES: The powers and duties of all persons licensed under the provisions of this Chapter shall consist of:

- (A) Obey the orders of the Chief of Police.
- (B) Be permitted to carry arms only when on duty.
- (C) Obey and comply with all rules and regulations of the Police Department, so far as same may be applicable.
- (D) A watchman, merchant patrolman or special police officer when on patrol or guard duty must be either in complete uniform or in complete private citizen dress. If in uniform said uniforms shall all be identical and shall be of a different color than those worn by the Police Department and/or the Police Reserve; provided, however, that plant guards and those employees who are engaged in the protection of an employer's own property or products may wear a uniform of their own choice or design so long as such uniform is not worn off the employer's premises. Badges and cap pieces must be of a design approved by the Chief of Police.
- (E) Any watchman, merchant patrolman or special police officer having knowledge of a crime shall immediately notify the Police Department and stand by until regular police officers arrive. At no time shall he conduct an investigation before calling the Police Department. During an investigation of any crime the Police Department reserves the right to stop a watchman, merchant patrolman or special police officer from investigating or interfering in any way with the Police Department.
(Ord. 1567; 4-7-65)

CHAPTER 14

SOFT DRINK PARLORS

SECTION:

- 5-14-1: License Required
- 5-14-2: Advertising Liquor Prohibited
- 5-14-3: Sale of Liquor Prohibited
- 5-14-4: License Fee

5-14-1: LICENSE REQUIRED: It shall be unlawful for any person to open for business, conduct or maintain a soft drink parlor in the City without securing a license therefor as provided in this Chapter. No license shall be issued for a soft drink parlor by the Recorder until the application therefor has been investigated and approved in writing by the Chief of Police or by the Commission.

5-14-2: ADVERTISING LIQUOR PROHIBITED: It shall be unlawful for any person operating a soft drink parlor to have any sign, window, or outside display of any alcoholic liquors containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume.

5-14-3: SALE OF LIQUOR PROHIBITED: It shall be unlawful for any person operating a soft drink parlor, to sell, deliver, or give alcoholic liquor containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume to any person under the age of twenty-one (21) years or to permit any person under the age of twenty-one (21) years to drink any alcoholic liquor containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume, upon the premises of the licensee.

It shall be unlawful for any person operating a soft drink parlor, to sell, give away, deliver or permit the drinking of, in their place of business, alcoholic liquors containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume between the hours of 1:00 A.M. and 7:00 A.M.

5-14-4: (Repealed by Ord. 1540; 12-26-63)

CHAPTER 15

ALCOHOLIC BEVERAGES

SECTION:

- 5-15-1: State Law Adopted
- 5-15-2: Enforcement; Compliance
- 5-15-3: Licensees; Hours of Sale
- 5-15-4: Restrictions
- 5-15-5: Unauthorized Possession of Liquor
- 5-15-6: Screens; Partitions Prohibited
- 5-15-7: Drinking in Public Places
- 5-15-8: Liquor Prohibited at Dances
- 5-15-9: Prohibited Acts Declared a Nuisance

5-15-1: STATE LAW ADOPTED: The provisions of Chapter 17, Second Special Session, Oregon Laws, 1933, and also all acts amendatory thereof and supplementary thereto, relating to the acquisition, possession, or disposition of alcoholic liquors, are hereby adopted as a portion of this Chapter so far as applicable, except as otherwise lawfully provided by this and other laws of the City.

5-15-2: ENFORCEMENT; COMPLIANCE: It shall be unlawful for any person to possess, transport, sell, dispose of, purchase, or in any way to acquire or dispose of alcoholic liquor as herein defined, contrary to the Laws of the State and of the United States, or contrary to the duly promulgated rules and regulations of the Oregon Liquor Control Commission.

5-15-3: LICENSEES; HOURS OF SALE: No licensee holding a State license for the sale or disposal of alcoholic liquor not over fourteen per cent (14%) of alcohol by volume shall, directly or indirectly, sell, give, dispose of, deliver, solicit the sale of, or otherwise dispose of or permit the drinking of any alcoholic liquor between the hours of 2:00 A.M. and 7:00 A.M.

5-15-4: RESTRICTIONS: It shall be unlawful for any licensee holding a State license for the sale or disposal of alcoholic liquor not over fourteen per cent (14%) of alcohol by volume to permit drunkenness, lewd, or disorderly conduct or unreasonable or excessive noise, in the place of business where the alcoholic liquor is sold.

5-15-5: UNAUTHORIZED POSSESSION OF LIQUOR: It shall be unlawful for any licensee holding a State license for the sale or disposal of alcoholic liquor to have in his possession at the place of business covered by the license, any alcoholic liquor which is not included in the scope of the license.

5-15-6: SCREENS; PARTITIONS PROHIBITED: Any place of business where alcoholic liquor is sold or disposed of shall be of such construction and arrangement that all windows in the front of any such place shall be of clear glass, and the view of the interior shall be unobstructed by screens, curtains, or partitions; provided, that open ornamental archways from one (1) section of the place of business to another section shall not be deemed to be partitions under the meaning hereof. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of any part of the room from the general observation of persons in the room; provided, however, that partitions, subdivisions or panels not higher than eighteen inches (18") from the floor shall not be construed as in conflict with the foregoing; and providing further, that nothing contained herein shall prohibit the serving of alcoholic liquors as permitted by law and within the scope of the license for any such place of business, in any private dining or banquet room connected with and a part of the place of business where not less than six (6) persons are so served.

5-15-7: DRINKING IN PUBLIC PLACES: It shall be unlawful to drink or consume any alcoholic liquor in or upon any public street, alley, park, school grounds, or other public grounds in the City. (Ord. 1249; 3-7-34)

It shall be unlawful for any person licensed by the City to operate a restaurant, pool room, or other public place, to harbor, secrete, or permit any person in an intoxicated condition or under the influence of liquor to be or remain in such place of business. (Ord. 1244; 4-8-33)

5-15-8: LIQUOR PROHIBITED AT DANCES: It shall be unlawful for any person to keep, possess, or consume any alcoholic liquor in any public dance hall, or in any room or building used for public dancing.

5-15-9: PROHIBITED ACTS DECLARED A NUISANCE: Any rooming house, building, structure, or place of any kind in the City where alcoholic liquor is sold, manufactured, bartered, or given away in violation of this Chapter, or in violation of the Laws of the State or United States, hereby are declared to be a common nuisance, and any person who maintains or assists in maintaining such common nuisance shall be guilty of a violation of this Chapter, and if it shall be proven that the owner of any building or premises knowingly has suffered the same to be used or occupied for the manufacture, sale or possession of alcoholic beverages, contrary to the provisions of this Chapter, such building or premises shall be subject to a fine for and may be sold to pay all fines and costs assessed against the occupant of the building or premises for any violation of this Chapter, and such lien shall be enforced immediately by civil action in any court having jurisdiction by the Attorney. The Commission may instruct the Attorney to commence such appropriate proceedings as are authorized by the Laws of the State to abate or to temporarily enjoin such nuisance. (Ord. 1249; 3-7-34)

CHAPTER 16
COSMETIC THERAPY SCHOOLS

SECTION:

5-16-1: License Required
5-16-2: License Fee

5-16-1: LICENSE REQUIRED: No person shall set up, operate or conduct a school of training in cosmetic therapy as defined by the Laws of the State within the City without first procuring a license therefor. -

5-16-2: (Repealed by Ord. 1540; 12-26-63)

CHAPTER 17
TRAILER HOUSES

SECTION:

- 5-17-1: Trailers; Parking Restricted
- 5-17-2: Emergency Parking Permitted
- 5-17-3: Exceptions to Parking Restrictions
- 5-17-4: Temporary Parking Permit

— 5-17-1: **TRAILERS; PARKING RESTRICTED:** It shall be unlawful, within the Limits of the City, for any person to park any trailer on any street, alley or highway, or other public place, or on any tract of land owned by any person occupied or unoccupied, except in duly constituted and licensed trailer courts, or sales lots except as provided herein.

— 5-17-2: **EMERGENCY PARKING PERMITTED:** Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations for that street, alley, or highway.

— 5-17-3: **EXCEPTIONS TO PARKING RESTRICTIONS:** No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling either of which is situated outside an approved trailer camp except, the parking of only one (1) unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in the trailer while the trailer is so parked or stored.

— Automobile trailers shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time. (Ord. 1415; 7-7-54)

— 5-17-4: **TEMPORARY PARKING PERMIT:** Temporary parking and occupying of a trailer for business purposes under a temporary permit revocable by the Commission may be permitted on private property under reasonable regulations and restrictions determined by the Manager for a period of not exceeding six (6) months for purposes of temporary quarters pending completion of permanent quarters and limited to the business for which the building is being constructed. (Ord. 1490; 11-17-60)

CHAPTER 18

AUTOMATIC DRY CLEANING MACHINES

SECTION:

- 5-18-1: Definition
- 5-18-2: License Required; Permit
- 5-18-3: Installation Regulations
- 5-18-4: Operation Regulations
- 5-18-5: Inspections
- 5-18-6: Compliance Required

5-18-1: DEFINITION: For the purpose of this Chapter an "Automatic Dry Cleaning Machine" shall mean any device or apparatus for the cleaning of clothes or fabrics, and designed to be used or operated by any person but the owner, or an employee of the owner thereof, which machine or device makes use of or contains perchlorethylene or any other chemical solvent or substance which may cause harm to human beings by reason of inhalation or contact.

5-18-2: LICENSE REQUIRED; PERMIT: It shall be unlawful for any person to install any automatic dry cleaning machine without first having secured a permit therefor. Applications for such permit shall contain full information as to the mechanical equipment of such machine and provisions for ventilation for both the machine and the room in which the machine will be located.

5-18-3: INSTALLATION REGULATIONS: Each machine shall be completely enclosed by a cabinet and shall be vented with an intake at the top and the outlet at or near the bottom of such machine. Groups of machines may be entirely enclosed or supported on all open sides by an enclosure topped with a hood vented as provided for each individual machine.

The exhaust system must maintain a minimum flow of one hundred cubic feet (100 cu. ft.) per minute face velocity through the loading door whenever the door is open.

The discharge stack for the machines and for the room in which the machines are located shall extend at least two feet (2') above the level of any window which can be opened located within fifty feet (50') of the outlet of the stack, and shall be at least fifty feet (50') away from any fresh air intake leading to any premises.

The machines must be so construed as to prevent the loading door from being opened during the normal cycle of operation. Each machine shall be equipped with a transparent door or port to allow visual examination of the status of the cleaning cycle.

Any connection of such machine with the water supply system must be equipped with an air gap or vacuum breaker in the line upstream from the condenser; with no control valves downstream from such gap or breaker. Waste water shall be discharged through an air gap.

The room in which such machine is installed shall be ventilated so that there shall be a minimum flow of air per machine from the area to which the public is admitted, of at least five hundred cubic feet (500 cu. ft.) per machine per minute. In a room where there are no more than three (3) machines installed; four hundred cubic feet (400 cu. ft.) per minute where there are no more than eight (8) machines installed; three hundred seventy-five cubic feet (375 cu. ft.) per minute where there are no more than sixteen (16) machines installed; and three hundred sixty cubic feet (360 cu. ft.) per minute where there are more than seventeen (17) machines installed. For this purpose each cleaning cell shall be considered as one (1) machine.

Each machine must be so designed and constructed as to prevent the leakage of liquids, gas or vapors.

5-18-4: OPERATION REGULATIONS: No automatic dry cleaning machine shall be operated unless all the equipment described in the above Section is properly installed and in good operating working condition.

No establishment for which a license is required under the provisions of this Chapter shall be open for business, and it shall be unlawful to admit the public or customers into the room where such machines are located unless there is on duty in the establishment at all times a competent person in charge of the establishment and in charge of the operation of such machines. There shall be warning signs posted in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapor occurs. It shall be unlawful for any person to permit any residue containing solvent to flow into the sewer system. Tightly covered metal containers may be used for temporary storage of such wastes outside of the building. Such containers shall bear labels indicating the contents and dangers involved in handling, and shall be locked if in an unenclosed place.

At least one (1) legible sign shall be maintained in a place available to customers giving the name, address and phone number of the owner of the establishment, and of the service department or agency responsible for the proper maintenance of the machines.

5-18-5: INSPECTIONS: It shall be the duty of the Mayor to cause such inspections to be made as are necessary to see to the enforcement of the provisions of this Chapter.

5-18-6: COMPLIANCE REQUIRED: It shall be unlawful for any person to install, operate or maintain any automatic dry cleaning machine except in compliance with the provisions of this Chapter, or without complying with all of the provisions of this Code pertaining to the installation and operation of such machines herein contained; or in violation of any other provisions of this Code relating thereto. (1963 Code)

CHAPTER 19

SELF-SERVICE LAUNDRIES

SECTION:

5-19-1: **Definition**
5-19-2: **License Required**
5-19-3: **Installation of Equipment**

5-19-1: **DEFINITION:** For the purpose of this Chapter the term "Self-Service Laundry" shall mean any establishment in which coin-operated facilities are available for washing clothes or for drying clothes, or both, and which is open and available to the general public for use.

5-19-2: **LICENSE REQUIRED:** It shall be unlawful for any person to establish or operate any self-service laundry in this City without first having secured a license therefor from the Recorder.

5-19-3: **INSTALLATION OF EQUIPMENT:** Installation of all equipment in self-service laundries shall conform with all of the provisions of this Code relating thereto. (1963 Code)

CHAPTER 20
REBOUND TUMBLING CENTERS

SECTION:

- 5-20- 1: Definitions
- 5-20- 2: Liability Insurance
- 5-20- 3: Condition of Equipment
- 5-20- 4: Rules and Regulations
- 5-20- 5: Supervision
- 5-20- 6: Qualifications of Supervisors
- 5-20- 7: Handling and Reporting of Accidents
- 5-20- 8: Telephone
- 5-20- 9: First Aid Equipment
- 5-20-10: Sanitation
- 5-20-11: Layout of Rebound Tumbling Equipment
- 5-20-12: Construction of Pits
- 5-20-13: Use of Padding
- 5-20-14: Inspection

5-20-1: **DEFINITIONS:** For the purpose of this Chapter the following terms shall have the meanings respectively ascribed to them:

REBOUND TUMBLING EQUIPMENT: The term "Rebound Tumbling Equipment" shall mean a fabric bed or surface designed to provide resilience by virtue of its own elasticity or that provided by an elastic or spring suspension system or both, within a stable and tested frame and intended to be used for jumping, bouncing, or acrobatic tumbling.

REBOUND TUMBLING CENTER: The term "Rebound Tumbling Center" shall mean a place where rebound tumbling equipment is provided and maintained for public use.

5-20-2: **LIABILITY INSURANCE:** The operator of a rebound tumbling center shall procure and at all times maintain in full force and effect a policy of liability insurance for each rebound tumbling equipment insuring him against liability from personal injury with limits of not less than:

- (A) Fifty thousand dollars (\$50,000.00) for any one (1) occurrence.
- (B) Twenty-five thousand dollars (\$25,000.00) for any one (1) person, per occurrence.

The operator shall file a true copy of his insurance policy with the Clerk.

5-20-3: **CONDITION OF EQUIPMENT:** Rebound tumbling equipment shall be maintained in a good state of repair and equipment which has broken springs or broken webbing shall not be used. The licensee shall take precautionary measures to prevent broken springs from disengaging from the assembly.

5-20-4: RULES AND REGULATIONS: The licensee shall enforce, and all customers using rebound tumbling equipment shall observe and obey the following rules and regulations which shall be printed in clear, easily read letters not less than one inch (1") in size, and posted in one (1) or more conspicuous and well lighted locations within the tumbling equipment center:

- (A) Not over one (1) person on the apparatus at one (1) time.
- (B) No flips, twists, or similar difficult routines unless under the immediate supervision of a qualified instructor, or until qualified as demonstrated by an officially acceptable certificate or as determined by the operator. In case of dispute with a patron, the operator's ruling shall be final.
- (C) No use of equipment in street shoes or in bare feet.
- (D) All patrons shall strictly and promptly comply with requests or requirements of the operator.
- (E) No use while under the influence of any alcoholic beverage or when not in condition to safely use the equipment, as determined by the operator.
- (F) No jumping from apparatus to apparatus or to any point outside the frame of the apparatus.
- (G) No actions allowed which will or may seriously distract or interfere with a performer.
- (H) No children under six (6) years of age shall be allowed to use the equipment unless accompanied by a responsible person.
- (I) No smoking, eating, or drinking while using the equipment.

5-20-5: SUPERVISION:

- (A) A rebound tumbling center, whenever open for use, shall be under the direct supervision of as many supervisors as are necessary to comply with the posted rules.
- (B) The supervisor shall be observing all equipment units whenever they are in use.
- (C) Each unit shall be numbered or otherwise clearly designated.
- (D) A suitable loud speaker system shall be maintained to enforce rules except where there are less than eight (8) units.
- (E) There shall be at least one (1) supervisor on active supervising duty for each twelve (12) units or fractional part which are in use.

5-20-6: QUALIFICATIONS OF SUPERVISORS: A rebound tumbling supervisor shall be:

- (A) Eighteen (18) years of age or over.

- (B) Of good moral character.
- (C) Trained and experienced in the supervision and control of personnel, both skilled and unskilled, in the art of rebound tumbling.
- (D) Physically and otherwise fully fit to manage the facility.

5-20-7: **HANDLING AND REPORTING OF ACCIDENTS:** The operator of a rebound tumbling center shall:

- (A) Direct to competent care for handling and disposition of all accidents and injuries.
- (B) Report to the Health Officer all accidents of a nature to cause unconsciousness, broken or sprained extremities or bones, removal, breaking or loosening of teeth, hemorrhaging or lacerations which may require suturing, and eye injuries.
- (C) Maintain on the premises records of all medical aid or care administered.
- (D) Keep, in a place readily available at all times to himself and his employees, the telephone number of available emergency service.

5-20-8: **TELEPHONE:** The operator of a rebound tumbling center shall maintain on the premises a telephone which shall be available for emergency at all times during which the rebound tumbling center is in operation.

5-20-9: **FIRST AID EQUIPMENT:** The operator of a rebound tumbling center at all times shall maintain on the premises and replenish as necessary an adequate first aid kit of at least sixteen (16) units, as recommended by the American Red Cross First Aid Manual.

5-20-10: **SANITATION:** The operator of a rebound tumbling center shall keep the premises and all facilities in a clean condition. He shall provide, as needed to prevent litter, waste containers and appropriate signs.

The operator of a rebound tumbling center shall provide on the premises drinking facilities which shall consist of either a sanitary drinking fountain or bottled water and paper cups available in a suitable, sanitary dispenser.

5-20-11: **LAYOUT OF REBOUND TUMBLING EQUIPMENT:**

- (A) Rebound tumbling equipment shall be located on a level surface in such a way as to be within view of the operator or attendant at all times.
- (B) The spacing of equipment units shall conform to the following minimum dimensions as measured from the inside edge of the frame:
 1. Three feet (3') between sides of units.

2. Four feet (4') between ends of units.
3. Five feet (5') from ends of nearest fence, building, or other similar construction.
4. Three feet (3') from sides or corners to nearest fence, building, or other similar construction.

- (C) The area surrounding the rebound tumbling equipment shall be surfaced to prevent a dust nuisance and have a reasonably level surface of pea gravel or equivalent type of material from a safety and dust control standpoint.
- (D) The entire rebound tumbling center shall be completely enclosed by fencing not less than five feet (5') in height.

5-20-12: CONSTRUCTION OF PITS:

- (A) Pits for rebound tumbling centers shall be so constructed that they will not interfere with the operation of the equipment and of a depth not less than three feet (3') nor more than four feet (4') at centers.
- (B) Such pits shall be so framed that the rebound tumbling equipment is held in a level position and is supported on a solid stable surface. Lumber used as framing for pits shall be not less than two inches (2") in thickness and shall be securely connected together.

5-20-13: USE OF PADDING: The frames of rebound tumbling equipment shall be completely padded to provide reasonable safety. Pads two inches (2") thick filled with cotton linters shall be deemed to meet this requirement.

5-20-14: INSPECTION: The Building Inspector shall inspect annually every rebound tumbling center. (1963 Code)

CHAPTER 21
TRADES; SHOPS; PROFESSIONS

SECTION:

- 5-21-1: Taxable Business Defined
- 5-21-2: Interpretation; Purpose
- 5-21-3: Licenses Required; Term
- 5-21-4: License Fees
- 5-21-5: Persons Having No Fixed Place of Business
- 5-21-6: Operators of More Than One Business
- 5-21-7: Procedure for Obtaining License
- 5-21-8: False Statements; Noncompliance

5-21-1: TAXABLE BUSINESS DEFINED: As used in this Chapter, "Business" shall mean professions, trades, occupations, shops, and all and every kind of calling carried on for profit or livelihood.

No person whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall, for the purpose of this Chapter be deemed a person transacting and carrying on any business in the City.

The agent of a nonresident proprietor engaged in any business for which a license is required by this Chapter, shall be liable for the payment of the fee thereon as herein provided and for the penalties for failure to pay the same or to comply with the provisions of this Chapter to the extent and with like effect as if such agent were themselves proprietors.

5-21-2: INTERPRETATION; PURPOSE:

- (A) This Chapter is enacted, except as hereinafter otherwise specified, to provide revenue for Municipal purposes and to provide revenue to pay for the necessary expenses required to issue the license for and regulate the business licensed,
- (B) The license fees levied by this Chapter shall be independent and separate of any license or permit fees now or hereafter required of any person to engage in any business by any provision of this Code regulating any business herein required to be licensed and all such businesses shall remain subject to the regulatory provisions of any such provisions now or hereafter in effect and the persons engaged therein liable to the payment of any license fees therein provided for.
- (C) Nothing in this Chapter shall be construed to apply to any person transacting and carrying on any business within the City, which is exempt from taxation or regulation by the City by virtue of the Constitutions of the United States or of the State of Oregon.

(D) The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the City to the person engaged therein to engage therein in the event such business shall be unlawful, illegal or prohibited by the Laws of the State or the United States or the provisions of this Code.

5-21-3: LICENSES REQUIRED; TERM:

(A) There are hereby imposed upon the business trades, shops, professions callings and occupations specified in this Chapter license fees in the amounts hereinafter prescribed beginning January 1, 1963, and it shall be unlawful for any person to transact and carry on any such business in the City without first having obtained the license therefor for the current calendar year as herein provided or complying with any and all application provisions of this Chapter.

(B) The license year shall commence January 1 in each year and shall terminate at midnight, December 31 of the same year.

(C) The license fee herein required shall be due and payable on the first day of January of each year for the calendar year commencing with such date and shall be delinquent on and after the following first day of February. Licenses for persons engaging in any trade, shop, business, occupation, profession or calling after January 1 in any year shall be due and payable upon such person engaging in such trade, shop, business, occupation, profession or calling and shall be delinquent if not paid; provided, however, that persons engaging in any such trade, shop, business, occupation, profession or calling after the first day of July of any year shall pay only fifty per cent (50%) of the annual fee for the remainder of the year.

(D) Each branch establishment of a business or location of a business conducted by any person shall, for the purposes hereof, be a separate business and subject to the license therefor herein provided, but warehouses used solely incidental in connection with a business licensed pursuant to the provisions of this Chapter and operated by the person conducting such business shall not be a separate place of business or branch establishment.

5-21-4: LICENSE FEES: The amounts to be paid as annual license fees for the trades, shops, businesses, occupations, professions and callings to be so licensed are as follows:

Twenty dollars (\$20.00) for one (1) individual.

Five dollars (\$5.00) per individual for next five (5) individuals.

Three dollars (\$3.00) per individual for next ten (10) individuals.

Two dollars (\$2.00) per individual for next ten (10) individuals.

Fifty cents (50¢) per individual for next twenty-five (25) individuals.

Twenty-five cents (25¢) per individual for all over fifty-one (51) individual.

In arriving at the number of individuals carrying on such business, profession, pursuit or occupation, there shall be considered the proprietors thereof and all individuals regularly employed in such by said proprietors. If such is carried on by a corporation, all officers and employees of the corporation who devote the principal part of their time to such business, profession, pursuit or occupation shall be considered. If any person shall have his principal place of business outside the City, then only such proprietor, officers or employees shall be considered as are actually engaged in such business, profession, pursuit or occupation within the City.

5-21-5: PERSONS HAVING NO FIXED PLACE OF BUSINESS: The Commission finds that certain trades, shops, businesses or callings are carried on in the City by persons from regular places of business and by persons from vehicles who have no regular places of business in the City; that persons with regular places of business in the City pay City ad valorem taxes upon real and personal property which is used in and belongs to their business and that the persons who do not have regular places of business in the City escape such ad valorem taxes. Both receive the benefit of police and fire protection, public streets and sidewalks, street lights, health services and other public facilities and services of the City. Therefore, in order that each shall pay as nearly as may be not a discriminatory share, but a share in proportion to benefits received of the burden of supporting such facilities and services of the City, such business operating from regular places of business in the City shall pay the license fee herein designated, and the businesses not operating from regular places of business in the City shall pay one and one-half (1 1/2) times the license fee herein designated.

5-21-6: OPERATORS OF MORE THAN ONE BUSINESS:

- (A) If any person engaged in operating or carrying on in the City more than one (1) trade, shop, profession, occupation, business or calling, then such person shall pay the license herein prescribed for as many of the trades, shops, professions, occupations, businesses or callings as are carried on by such person, except as herein otherwise specifically provided.
- (B) Producers of farm products raised in Oregon, produced by themselves or their immediate families, shall not be subject to license fees prescribed herein that may apply to the selling of such products in the City by themselves or their immediate families.

5-21-7: PROCEDURE FOR OBTAINING LICENSE:

- (A) All licenses shall be issued by the Recorder upon written application therefor, and not otherwise. All licenses and permits are subject to revocation at any time by the Commission for cause.
- (B) The application for such license shall contain the following information:
 1. A description of the trade, shop, business, profession, occupation or calling to be carried on within the City.

2. The name of the applicant, with a statement of all persons having an interest in the business either as proprietors or owners of said business, and the number of all individuals regularly employed.

3. The location of the place where the business is carried on.

4. Date of application.

5. Amount of money tendered with application.

6. Signature of the applicant.

(C) No transfer of any license herein provided for shall be made without the consent of the Commission. Any entry of such transfer shall be made by the Recorder in the record of licenses for which entry the Recorder shall charge and receive one dollar (\$1.00).

(D) Licenses so issued shall be openly displayed in the place of business so licensed if such place of business be within the City or shall be carried upon the person of those persons, their employees or agents, engaged in business in the City but whose place of business is outside the City.

(E) The records reflecting the number of employees of any business required to be licensed under the provisions of this Chapter shall be subject to inspection and audit by the office of the Recorder at any reasonable time for the purpose of determining compliance with the provisions of this Chapter. Refusal to comply herewith shall subject such business to the penalties provided in Chapter 4 of Title I.

5-21-8: FALSE STATEMENTS; NONCOMPLIANCE:

(A) It shall be unlawful for any person to wilfully make any false or misleading statement to the Recorder for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or refuse to comply with any of the provisions of this Chapter to be complied with or observed by such person, or to fail or refuse to pay before the same shall be delinquent any license fee or penalty hereby required to be paid by any such person.

(B) In the event any person hereby required to obtain a license shall fail or neglect to obtain the same before it shall become delinquent, the Recorder shall collect upon the payment therefor and in addition thereto a penalty of five per cent (5%) of the fee therefor for each calendar month or fraction thereof the same shall be delinquent.

(C) Nothing herein contained shall be taken or construed as vesting any right in any license as a contract obligation on the part of the City as to the amount or character of license hereunder, and such license may be increased or decreased in any and all instances at any time by the City and any business, trade, profession, pursuit or occupation may be reclassified or subclassified at any time. (Ord. 1523; 12-27-62)

TITLE VI
POLICE REGULATIONS

Subject	Chapter
General Offenses.....	1
Dogs.....	2
Animals	3
Deadly Weapons.....	4
Abandoned Containers.....	5
Curfew.....	6
Plastic Bags or Coverings	7

CHAPTER 1

GENERAL OFFENSES

SECTION:

6-1- 1:	Admission Fees, Fraudulently Avoiding Payment of
6-1- 1.1:	After Hours
6-1- 2:	Animals, Cruelty to
6-1- 3:	Assault or Battery
6-1- 4:	Assembly, Unlawful
6-1- 5:	Barbed Wire and Electric Fences
6-1- 6:	Cigarettes or Tobacco, Sale of to Minors
6-1- 7:	Cohabitation, Lewd
6-1- 8:	Concealing Knowledge
6-1- 9:	Delinquency, Encouraging
6-1-10:	Disorderly Conduct
6-1-11:	Disturbing the Peace
6-1-12:	Drunkenness
6-1-13:	Escape, Aid in
6-1-14:	Escapes
6-1-15:	Expectorating on Sidewalks or in Public Buildings
6-1-16:	False Pretenses
6-1-17:	False Representation
6-1-18:	Gambling
6-1-19:	General Offense
6-1-20:	Hypnotists Prohibited
6-1-21:	Indecent Exposure
6-1-22:	Injurious Material on Thoroughfares, Deposits of
6-1-23:	Junk, Keeping of Restricted
6-1-24:	Loitering
6-1-25:	Lottery
6-1-26:	Lottery, Assisting in
6-1-27:	Loud Speakers or Sound Trucks
6-1-27.1:	Negligent Driving
6-1-28:	Lug Wheels Prohibited
6-1-29:	Obscene Conduct
6-1-30:	Obscene Literature, Distribution of
6-1-31:	Offense, Aid to an
6-1-32:	Petit Larceny
6-1-33:	Playing Ball on Streets Prohibited
6-1-34:	Police Officers, Assistance to
6-1-35:	Property, Malicious Injury to
6-1-36:	Prostitution
6-1-37:	Prostitution, House of
6-1-38:	Resisting an Officer
6-1-39:	Riot
6-1-40:	Swindling
6-1-41:	Trespassing
6-1-42:	Vagrancy
6-1-43:	Water Flowing Upon Streets
6-1-44:	Weapons, Furnishing to Prisoners
6-1-45:	Window Sills to be Kept Clear

6-1-1: ADMISSION FEES, FRAUDULENTLY AVOIDING PAYMENT OF: It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theatre, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

6-1-1.1: AFTER HOURS: It shall be unlawful for any person to loiter or wander about the streets or public places of the City between the hours of 1:00 A.M. and 5:00 A.M. of every day.

6-1-2: ANIMALS, CRUELTY TO: It shall be unlawful for any person to torture or beat cruelly, starve or otherwise ill-treat any animal in his care or charge, whether belonging to himself or any other person.

6-1-3: ASSAULT OR BATTERY: It shall be unlawful for any person to commit assault or battery which is hereby defined as any wilful and unlawful use of force or violence upon the person of another.

6-1-4: ASSEMBLY, UNLAWFUL: It shall be unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command of an officer so to do.

6-1-5: BARBED WIRE AND ELECTRIC FENCES: It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land.

6-1-6: CIGARETTES OR TOBACCO, SALE OF TO MINORS: It shall be unlawful for any person to sell or give away, directly or indirectly to any person under the age of eighteen (18) years any cigarettes, tobacco, or any compounds of tobacco used in filling up or making up of a cigarette or to give or sell any cigarette papers to minors.

6-1-7: COHABITATION, LEWD: It shall be unlawful for any man or woman not being married to each other, to live and cohabit together as man and wife, or lewdly and notoriously to associate together.

6-1-8: CONCEALING KNOWLEDGE: It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this Code.

6-1-9: DELINQUENCY, ENCOURAGING: It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for

any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

6-1-10: DISORDERLY CONDUCT: It shall be unlawful for any person to engage in any illegal or improper diversion or to use insulting, indecent or immoral language, or to be guilty of any indecent, insulting, or immoral conduct or behavior.

6-1-11: DISTURBING THE PEACE: It shall be unlawful for any person, wilfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.

6-1-12: DRUNKENNESS: It shall be unlawful for any person to be found drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

6-1-13: ESCAPE, AID IN: It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer.

6-1-14: ESCAPES: It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

6-1-15: EXPECTORATING ON SIDEWALK OR IN PUBLIC BUILDINGS: It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies.

6-1-16: FALSE PRETENSES: It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares and merchandise.

6-1-17: FALSE REPRESENTATION: It shall be unlawful for any person to represent falsely himself to be an officer of the City or who shall attempt to impersonate any such officer or who shall without authority perform any official act therein on behalf of an officer.

6-1-18: GAMBLING: It shall be unlawful for any person to deal, play or conduct, either as owner, employee or lessee, whether or not for hire, any game played with cards, dice or any other device for money, checks, credit or other representative of value.

6-1-19: GENERAL OFFENSE: It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State Law, insofar as such laws are applicable to municipal government.

6-1-20: HYPNOTISTS PROHIBITED: It shall be unlawful for any person to practice hypnotism or for any person to be a subject for such hypnotist provided that this shall not apply to hypnotism as used in the treatment of patients by an accredited Doctor of Medicine or Doctor of Dentistry nor shall it prohibit the teaching of hypnotism in any State accredited educational institution which maintains an academic standard of the college level.

6-1-21: INDECENT EXPOSURE: It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or in any such place to make any indecent exposure of his or her person or private parts thereof or the private parts of another or to conduct himself in a lewd or lascivious manner or to appear in any such place in a dress not belonging to his sex.

6-1-22: INJURIOUS MATERIAL ON THOROUGHFARES, DEPOSITS OF: It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property. (1963 Code)

6-1-23: JUNK, KEEPING OF RESTRICTED: It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk, which shall include but not be limited to, old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or parts thereof, old iron, or other metal, glass, paper, old lumber, old wood, or other waste or discarded material, adjacent to or in close proximity to any school house, church, public parks, public grounds, business buildings or residences without first providing proper and tight buildings for the storage of the same. (Ord. 1571; 6-2-65)

6-1-24: LOITERING: It shall be unlawful for any person to loiter or wander about the streets between the hours of 1:00 A.M. and 5:00 A.M. (Ord. 1042; 2-9-25)

6-1-25: LOTTERY:

(A) It shall be unlawful for any person to engage in any lottery or scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance or obtaining such property or portion of it, or for any share or interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance whether such scheme be called lottery, raffle, or gift enterprise or by whatever name the same be known and no person shall contrive, prepare, set up or establish any such scheme or lottery.

(B) Traffic in Lottery Tickets: It shall be unlawful for any person to sell, give or in any manner whatsoever furnish or transfer to or for any other person, any ticket understood to be or to represent any ticket, chance, share or interest in any property or thing involved, in any enterprise mentioned in the preceding Subsection or depending upon the event of any such scheme, lottery or enterprise.

6-1-26: LOTTERY, ASSISTING IN: It shall be unlawful for any person to aid or assist either by printing, writing, advertising, publishing or otherwise, in setting up, managing or drawing any lottery or scheme, or in selling or disposing of any ticket, chance or share therein or for any person to let or permit to be used any building or premises for any of said purposes.

6-1-27: LOUD SPEAKERS OR SOUND TRUCKS: It shall be unlawful to play, operate, or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph, with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped.

6-1-27.1: NEGIGENT DRIVING: Any person who drives any vehicle upon any public street or thoroughfare of the City, negligently or carelessly, without due regard for the rights or safety of others, or in a manner so as to fail to exercise due and proper care, or in an unusual or unorthodox manner shall be guilty of negligent driving. (Ord. 1537; 9-24-63)

6-1-28: LUG WHEELS PROHIBITED: It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.

6-1-29: OBSCENE CONDUCT: It shall be unlawful for any person to urinate or stool in any place open to the public view, or to be guilty of any lewd, lascivious or obscene conduct or to sing any lewd or obscene song, ballad or other words in any public place or any other place where other persons are present or indecently to exhibit any animal.

6-1-30: OBSCENE LITERATURE, DISTRIBUTION OF: It shall be unlawful for any person to exhibit, pass, give, or deliver to another any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast, or figure or to have same in his possession.

6-1-31: OFFENSE, AID TO AN: It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

6-1-32: PETIT LARCENY: It shall be unlawful for any person to commit petit larceny which is hereby defined as a larceny when the property taken is of a value of less than seventy-five dollars (\$75.00).

6-1-33: PLAYING BALL ON STREETS PROHIBITED: It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the City.

6-1-34: POLICE OFFICERS, ASSISTANCE TO: It shall be unlawful for any male citizen over the age of eighteen (18) years to refuse or neglect to render assistance to any police officer when called upon for such assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense.

6-1-35: PROPERTY, MALICIOUS INJURY TO: It shall be unlawful for any person wilfully and maliciously to injure, deface, mutilate, remove, pull down, break or in any manner interfere with or molest or secrete or destroy any real or personal property belonging to or under the control of any person.

6-1-36: PROSTITUTION: It shall be unlawful for any person to pursue or advertise in any manner her vocation as a prostitute or for any person to advertise the profession of a prostitute or solicit for a prostitute.

6-1-37: PROSTITUTION, HOUSE OF: It shall be unlawful for any person to keep or assist in the keeping of a house of ill-fame or prostitution or knowingly to reside therein or knowingly to rent, lease or permit any person to occupy any house or room owned, leased or controlled by him for this purpose.

6-1-38: RESISTING AN OFFICER: It shall be unlawful for any person to interfere wilfully with, resist, delay, obstruct, molest or threaten to molest any officer of the City in the exercise of his official duties.

6-1-39: RIOT: It shall be unlawful for any person to fail or refuse immediately to disperse upon an order to do so by a police officer, when two (2) or more persons are assembled for the purpose of disturbing the peace or for the purpose of committing any unlawful act.

6-1-40: SWINDLING: It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for himself or for another any money or property or a representative of either.

6-1-41: TRESPASSING: It shall be unlawful for any person to take down any fence or to let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof.

6-1-42: VAGRANCY: The following persons are declared to be vagrants:

- (A) Every idle or dissolute person without visible means of support or living or a lawful occupation, who has ability to work, but who does not seek, or refuses to seek employment or labor, or refuses to labor when employment is offered.
- (B) Every person who shall solicit sums as a business or be found begging as the means of support.
- (C) Every person who habitually roams about from place to place without any lawful business.
- (D) Every person having no lawful means of support who shall be found loitering around railway depots, boat landings, street corners, crowded thoroughfares, places of amusement, saloons or wandering about the public streets at late or unusual hours of the night.
- (E) Every person found or known to be lodging in any barn, shed, shop, outhouse, vessel, uninhabited building or place, other than is kept for lodging purposes, or in the open air.
- (F) Every person who frequents or stays in or about houses of ill fame, or who habitually associates with common prostitutes.
- (G) Every common prostitute or person found on the public street, or at the window of any house soliciting prostitution.
- (H) All persons, who being habitual drunkards are destitute and without visible means of support, or being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their family and shall be complained of by the family, or by some responsible person knowing such to be the facts. (Ord. 210; 11-17-97)
- (I) Every person who loiters about any school or public place at or near which children attend or normally congregate. (Ord. 1472; 1-6-60)

6-1-43: WATER FLOWING UPON STREETS: It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.

6-1-44: WEAPONS, FURNISHING TO PRISONERS: It shall be unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge.

6-1-45: WINDOW SILLS TO BE KEPT CLEAR: It shall be unlawful for any person to place or keep on any window sill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens. (1963 Code)

CHAPTER 2

DOGS

SECTION:

- 6-2- 1: Running at Large Prohibited
- 6-2- 2: Impoundment; Notice; Redemption
- 6-2- 3: Hearing on Impoundment
- 6-2- 4: Impoundment Fees
- 6-2- 5: Sale of Dogs
- 6-2- 6: Computation of Time
- 6-2- 7: Record of Impoundments
- 6-2- 8: Interference with Officers
- 6-2- 9: Disposition of Fees
- 6-2-10: License Required; Fees

6-2-1: RUNNING AT LARGE PROHIBITED: It shall be unlawful for any person being the owner or custodian of any dog to permit the dog to run loose or be at large upon any of the public streets or any public places within the City.

All dogs found upon any of the public streets or public places in the City shall be deemed to be running loose or to be at large within the meaning of this Chapter, except such dogs as may be under control by means of a chain or leash or may be in any vehicle, and while so therein shall be deemed to be under the personal control of the owner thereof.

6-2-2: IMPOUNDMENT; NOTICE; REDEMPTION: The Chief of Police or any designated police officer of the City are authorized to impound any dog found running loose or at large as defined in this Chapter.

Whenever any dog shall be impounded under authority of this Chapter the Chief of Police or other designated police officer shall immediately give written notice by personal service upon the owner of the dog if the person be known to the Chief of Police or other police officer, or in cases where the impounded dog shall be found to be wearing a collar to which is attached a tag or plate bearing the name and address of the owner and if the owner so notified does not claim the dog within the period of three (3) days from the date of service of the notice and also pay the redemption fee provided for herein, the dog shall be sold or humanely killed at the expiration of such period.

Whenever any dog shall be impounded by any authorized officer of the City under the terms of this Chapter and the owner or custodian thereof is unknown, the dog shall be kept for the period of not less than three (3) days and until the expiration of the date set in a notice to be published for three (3) consecutive days in a newspaper of general circulation in the City wherein a general description of the impounded dog shall be contained. The notice shall designate the date of the expiration thereof and the date upon which the described dog shall be disposed of

unless sooner redeemed, and for the purpose of the notice a description of any dogs impounded shall be deemed sufficient if the notice shall state the color, sex, breed, where the markings are plain enough that the breed can be readily determined, and if there is no claim or redemption by the owner of the dog described in the notice, the dog shall after the expiration of the last day mentioned in the notice be sold or humanely killed.

6-2-3: **HEARING ON IMPOUNDMENT:** In all cases where the owner of any impounded dog shall file with the Chief of Police a written notice or demand for hearing before the expiration of the time herein provided for the disposing of the dog, the person shall be entitled to a hearing before the Recorder upon the question of the rightful impounding of the dog, and upon receipt of the notice the Chief of Police shall immediately transmit the same to the Recorder who shall proceed to a trial of the question of the right of the City to impound the dog under the terms of this Chapter, and upon the completion of the hearing shall enter judgment sustaining such impounding or directing the release of the impounded dog as the evidence submitted shall warrant, and upon the entry of judgment sustaining the City in the impounding, the Chief of Police shall proceed to kill or dispose of the dog in the manner hereinbefore provided unless the owner shall pay the fee provided by Section 6-2-4 for the release of impounded dog.

6-2-4: **IMPOUNDMENT FEES:** Any dog impounded under authority of this Chapter may be released to the owner thereof by the Chief of Police or other designated officer upon the payment to the Recorder of the sum of two dollars (\$2.00) upon the first impounding and the sum of four dollars (\$4.00) for the second or any subsequent impounding, and fifty cents (50¢) per day for keeping the dog up to the time of the claiming of the dog by the owner, and all necessary expense for publishing the notice as provided for in Section 6-2-2.

6-2-5: **SALE OF DOGS:** The Chief of Police or other designated police officer is hereby authorized to deliver to any person any dog impounded under this Chapter upon the payment to the Recorder of the redemption fee provided for in Section 6-2-4. Such delivery shall be subject to the claim of the rightful owner of the dog and the payment by him of the redemption fee paid to the Recorder, and the sum of fifty cents (50¢) per day expense of keeping the dog up to the time of claiming the dog by the owner, and the cost of publishing the notice as provided in Section 6-2-2. The Chief of Police or other designated police officer at the time of any such delivery shall take a written receipt from the person acknowledging that the person holds the dog subject to the claim of the rightful owner upon the payment of the redemption fee paid by the person, and the sum of fifty cents (50¢) per day expenses for keeping the dog up to the time of claim by the owner and cost of publishing the notice, and it shall be unlawful for the Chief of Police or other police officer to deliver a dog to any person under the provision of this Section without receiving a receipt herein provided for.

6-2-6: **COMPUTATION OF TIME:** All periods of time named in this Chapter shall be computed by excluding from the computation the day upon which the impounding shall be made.

6-2-7: RECORD OF IMPOUNDMENTS: The Chief of Police or other designated police officer shall keep a duplicate report describing all dogs impounded hereunder which shall show the date and time when impounded, a description by approximate age, color, sex and breed where feasible, with the owner's name if the name be known, and in the report an entry shall be made of the description made of the dog. The duplicate and all delivery receipts shall be filed not less than once a month with the Recorder and be deemed public records of the City.

6-2-8: INTERFERENCE WITH OFFICERS: It shall be unlawful for any person to in any way interfere with any person engaged in seizing or impounding any dog under authority of this Chapter.

Any person who may encourage any dog to bite or worry any person engaged in enforcing this Chapter or who shall threaten the person while engaged in the performance of his duty under this Chapter shall be deemed guilty of interfering with the enforcement of this Chapter.

6-2-9: DISPOSITION OF FEES: The expense of caring for dogs impounded under this Chapter shall be paid out of the General Fund of the City and all moneys paid for redemption fees shall be credited to the General Fund. (Ord. 1145; 2-16-27)

6-2-10: LICENSE REQUIRED; FEES: It shall be unlawful for any person to own or keep any dog over eight (8) months old within the City, without first applying for and procuring from the Recorder, a license by paying a fee of two dollars (\$2.00) for each male dog and five dollars (\$5.00) for each female dog, and upon payment of the license fee, the Recorder shall issue to the person a license and a tag bearing the same number stamped with the year in which it is issued. The license shall expire on December 31 of the year of issuance. Any dog not wearing a collar with a license tag attached thereto shall be impounded by the Chief of Police or Poundmaster.

The Recorder shall keep a register wherein shall be entered the name of the owner of the dog to whom the license and tag have been issued, the number and date of the license and tag and the amount paid therefor. The Recorder is hereby directed to procure the necessary tags and to annually collect or receive from the owner the license fees herein provided. (Ord. 1090; 3-3-26)

CHAPTER 3

ANIMALS

SECTION:

- 6-3- 1: Running at Large Prohibited
- 6-3- 2: Impoundment
- 6-3- 3: City Pound; Notice of Impoundment
- 6-3- 4: Unclaimed Animals; Sale
- 6-3- 5: Redemption by Owner
- 6-3- 6: Impoundment Fees
- 6-3- 7: Redemption after Sale
- 6-3- 8: Obstructing Officers
- 6-3- 9: Malicious Impounding Prohibited
- 6-3-10: Quarterly Report

6-3-1: **RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any person to permit any cow, horse, goat or mule to run at large upon any of the streets or alleys in the City or to stake the same out on any of the streets or alleys or public property in the City. It is hereby intended to prevent the use of the streets or alleys of the City for the purpose of furnishing pasture for animals. (Ord. 1053; 5-14-25)

6-3-2: **IMPOUNDMENT:** Any of the animals found running at large, or trespassing on any property without permission of the owner or agent in charge of same, or found doing damage, may be taken up by any person, and either taken to the City Pound or delivered to the Chief of Police or other person appointed by the Commission to take charge of estrays.

6-3-3: **CITY POUND; NOTICE OF IMPOUNDMENT:** It shall be the duty of the Chief of Police to have charge of the City Pound, to receive and care for all animals committed to his charge or found by him running at large, in violation of this Chapter and see that such animals have proper forage and water, and he shall use due diligence to find the owner of the animals. He shall keep a book in which he shall register a description of all animals taken up by or delivered to him for commitment, which description shall set forth when received or taken up, the kind of animal, the approximate age, color, marks, brands and such other description as may aid the owner to identify his animal, a true copy of which, he shall forthwith post on the bulletin board at City Hall, at the post office and on the Pound enclosure.

6-3-4: **UNCLAIMED ANIMALS; SALE:** If any animal so taken up or committed shall be unclaimed at the expiration of three (3) days from the date of the commitment in the case of horses, mules or cattle, or of one (1) day in the case of any other of the animals described herein, the Chief of Police

shall sell the animal at public auction to the highest responsible bidder, after posting a notice giving a description of the animal, and the date and place of sale, the notice to be posted at least three (3) days before the sale, upon the bulletin board at City Hall, at the post office, and on the City Pound, the net proceeds of the sale, after deducting the fees, costs and expenses allowed by this Chapter, shall be paid to the Treasurer, and placed by him in the General Fund.

6-3-5: REDEMPTION BY OWNER: If at any time, before the sale, the owner of any animal so taken up shall claim the same, he shall be entitled to the possession thereof, upon the payment of charges, costs and expenses incident to such taking up and keeping.

6-3-6: IMPOUNDMENT FEES: Any person taking up and committing to the Chief of Police any of the animals herein described, shall receive a fee of one dollar (\$1.00) in the case of horses, mules or cattle, and ten cents (10¢) in the case of any other animal. The Chief of Police shall be entitled to receive a fee of one dollar (\$1.00) for impounding, registering and posting up notices in the case of horses, mules and cattle, and twenty-five cents (25¢) in the case of any other animal. The fees for feeding animals shall be fifty cents (50¢) per day for horses, mules and cattle, and ten cents (10¢) per day for any other animal. The Chief of Police, in addition to the fees mentioned, shall receive ten per cent (10%) of the proceeds of any sale of an animal; the fees mentioned in this Section to be collected from the owner of the animal, if he redeems the same, or to be paid out of the amount from the sale of the same, and not otherwise.

6-3-7: REDEMPTION AFTER SALE: The owner of any animal sold under the provisions of this Chapter, who shall at any time within one (1) year of the date of the sale, make satisfactory proof of his ownership, shall be entitled to the net proceeds, as received by the Treasurer, from the sale, by a warrant drawn on the General Fund of the City.

6-3-8: OBSTRUCTING OFFICERS: It shall be unlawful for any person to take his own animal, or that of any other person, out of the custody of the Chief of Police, or any person who has found the same running at large, and has taken it up, with the intention of impounding the same, or out of the City Pound, by stealth or force, or to interrupt or hinder anyone while in the discharge of his duties under the provisions of this Chapter.

6-3-9: MALICIOUS IMPOUNDING PROHIBITED: It shall be unlawful for any person to maliciously or mischievously secrete or impound the animal of another, or to maliciously or mischievously aid or abet therein.

6-3-10: QUARTERLY REPORT: It shall be the duty of the Chief of Police to keep an accurate account of all the receipts and disbursements, and make a full and detailed report of his proceedings to the Commission, stating therein the number of animals impounded, the number sold, to whom sold, amount received therefor, the amount received and paid for forage, and the amounts paid to persons as fees for taking up of animals and the net proceeds paid to the Treasurer. (Ord. 204; 11-17-97)

CHAPTER 4

DEADLY WEAPONS

SECTION:

- 6-4-1: License and Permit Required
- 6-4-2: Report of Sales
- 6-4-3: Application; Permit to Purchase
- 6-4-4: Refusal of Permit
- 6-4-5: Record to be Kept by Police
- 6-4-6: Carrying Concealed Weapons Prohibited

6-4-1: **LICENSE AND PERMIT REQUIRED:** Any person engaging in the business of selling or offering to sell any pistol, revolver, bowie knife or other weapon of like character that can be concealed upon the person, shall first obtain a license as a dealer in deadly weapons to sell or give away any such weapon to any person who has secured a permit from the Chief of Police to purchase the weapon in the manner hereafter provided.

6-4-2: **REPORT OF SALES:** As provided by law, every person licensed shall on the evening of the day of sale make out and mail postpaid to the Chief of Police a legible and correct report of every sale or gift made under authority of the license during the preceding twenty-four (24) hours, which report shall contain the date of the sale or gift, by whom sold, description of weapon, maker, number, caliber, name of purchaser, age of purchaser, permanent residence, the description of the purchaser, signature of purchaser and signature of the salesman. The report shall be substantially in the following form:

Sold by _____ Salesman _____
City, town or township _____
Description of arm (state whether revolver or pistol) _____
Maker _____ Number _____ Caliber _____
Name of purchaser _____ Age _____ years
Permanent residence (state name of city, town or township, street and number of dwelling) _____
Height _____ feet _____ inches _____ occupation
Color _____ skin _____ eyes _____ hair
If traveling, or in locality temporarily, give local address _____
Signature of purchaser _____
(Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)
Witness _____ Salesman.
(To be signed in duplicate.)

Provided however, that the provisions of this Chapter shall not apply to transactions by and between wholesale and retail dealers in such weapons, having established places of business in the City.

6-4-3: APPLICATION; PERMIT TO PURCHASE: It shall be unlawful for any person to purchase any pistol, revolver, bowie knife, dirk or other weapon of like character, which can be concealed upon the person, without first securing from the Chief of Police a permit so to do. Before any permit is granted, an application in writing shall be made, therefor, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring the permit; providing however, that the provisions set forth in this Section shall not apply to retail dealer's or wholesale dealers in weapons, having an established place of business in the City.

6-4-4: REFUSAL OF PERMIT: It shall be the duty of the Chief of Police to refuse a permit to:

- (A) All persons having been convicted of a felony.
- (B) All vagabonds.
- (C) All minors.

6-4-5: RECORD TO BE KEPT BY POLICE: It shall be the duty of the Chief of Police to keep a record of all permits to purchase, and licenses granted under the provisions of this Chapter. (Ord. 1091; 3-3-26)

6-4-6: CARRYING CONCEALED WEAPONS PROHIBITED: It shall be unlawful for any person to carry any slingshot, billy, dirk, pistol, or any concealed deadly weapon or to discharge any firearms, air gun, sparrow gun or bean shooter within the City, unless in self-defense, in protection of property, or an officer in the discharge of his duty; provided however, permission, as provided for in this Chapter, may be granted to any person to carry a pistol or revolver when upon proper presentation it appears necessary or prudent to grant such permission. (Ord. 1095; 3-3-26)

CHAPTER 5

ABANDONED CONTAINERS

SECTION:

6-5-1: Abandoned Containers

6-5-1: **ABANDONED CONTAINERS:** It shall be unlawful for any person to **place**, leave or maintain in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or a container of any kind which has an airtight door with snaplock or other lock or mechanism without first removing from the icebox, refrigerator or container the snaplock or other lock or mechanism or removing the airtight door. (Ord. 1402; 10-20-53)

CHAPTER 6

CURFEW

SECTION:

6-6-1: Children on Street at Night
6-6-2: Violation by Parents
6-6-3: Duties of Officers

6-6-1: CHILDREN ON STREET AT NIGHT: It shall be unlawful for any child under the age of eighteen (18) years to be in, or remain in, or upon any street, alley, park or other public place between the hours specified herein, unless such child is accompanied by a parent, guardian or other proper companion of the age of twenty-one (21) years, or more, specially chosen by the parent, or guardian to escort the child on the occasion in question, or by a person twenty-one (21) years of age having the care and custody of such child or, unless such child is then engaged in an entertainment, or night school, or going to, or from, an employment or night school which makes it necessary to be in, or upon, such street, alley, park, or other public place, during the night-time between such specified hours. For the purpose of this Section the applicable hours shall be: As to children under fourteen (14) years who have not begun high school, between 9:15 P.M. and 6:00 A.M. of the following morning except that during the months of June, July and August, the hours shall be between 10:15 P.M. and 6:00 A.M. of the following morning; as to children fourteen (14) years of age or over or who have begun high school, the hours shall be between 10:15 P.M. Sunday, Monday, Tuesday, Wednesday or Thursday, and 6:00 A.M. of the following morning and between 12:00 midnight on Friday or Saturday, or any day prior to a legal holiday when no school is scheduled for said legal holiday, and 6:00 A.M. of the following morning, except that during the months of June, July and August the hours shall be between 12:00 midnight and 6:00 A.M. of the following morning. Any child under the age of eighteen (18) years employed in selling, delivering or wrapping newspapers shall obtain from the newspaper employer and the employer shall issue to child employed a card showing such employment. A child failing to carry, and produce, such card shall not be deemed to be within the protection of the preceding provision.

6-6-2: VIOLATION BY PARENTS: It shall be unlawful for any parent or guardian, or the person having the care or custody of any child under the age of eighteen (18) years, to permit, or by inefficient control to allow such child to be in or remain in or upon any street, alley, park or other public place between the hours herein set forth in Section 1 of this Chapter contrary to the provisions of this Chapter. Proof that a such child was on any street, alley, park or other public place at a time prohibited shall, *prima facie*, be sufficient evidence to sustain a conviction of a violation of this Chapter.

6-6-3: DUTIES OF OFFICERS: All peace officers, juvenile department counsellors, state or county welfare department employees or any other person authorized by the juvenile court of the County in which the child resides or is found, may take into temporary custody any child violating any of the provisions of this Chapter and, for the first violation, shall as soon as practicable thereafter, notify the child's parent, guardian or other person responsible for the child of the violation and shall take or send such child home and release the child to the custody of his parent or other responsible person in this State, except where the Juvenile Court otherwise orders. In case any child under the age of eighteen (18) years shall again violate any of the provisions of this Chapter, such child may be apprehended and taken into temporary custody as a juvenile offender and delinquent and may be brought before the Juvenile Court of the County in which such child resides or is found.

CHAPTER 7
PLASTIC BAGS OR COVERINGS

SECTION:

- 6-7-1: **Definition**
- 6-7-2: **Warning Required**
- 6-7-3: **Certain Bags a Nuisance**

6-7-1: **DEFINITION:** The words "plastic coverings," "plastic bag," or "plastic package" when used in this Chapter shall mean any covering, package or bag made of plastic material sufficiently thin and pliable to respond to static electricity created by contact with the human body to the extent that it clings to the human skin or body.

6-7-2: **WARNING REQUIRED:** It shall be unlawful for any person to have in his possession, or to deliver as a cover or wrapper, any plastic bag that is of sufficient size to fit over a child's head, or any bag which, when open has an opening larger than twenty-five square inches (25 sq. in.) or a capacity of more than one hundred twenty-five cubic inches (125 cu. in.), unless there is at all times clearly printed on such bag or covering, or on a paper attached to such bag or covering, words in letters at least one-quarter inch (1/4") high as follows:

WARNING: To avoid danger of suffocation keep this bag (or covering) away from babies and children. Do not use in cribs, beds, carriages or play pens. This is not a Toy.

6-7-3: **CERTAIN BAGS A NUISANCE:** Any plastic bag, covering or package not carrying or accompanied by the printed warning as provided in Section 2 of this Chapter is hereby declared a nuisance. (1963 Code)

TITLE VII
FIRE REGULATIONS

Subject	Chapter
Fire Zones.....	1
Fireworks.....	2
Fire Prevention Code , , , , ,	3

CHAPTER 1

FIRE ZONES

SECTION:

- 7-1-1: Fire Zone One
- 7-1-2: Fire Zone Two
- 7-1-3: Fire Zone Three

7-1-1: FIRE ZONE ONE: Fire Zone One of this City shall be bounded as follows:

Beginning at a point where the westerly line of John Adams Street intersects the southerly bank of the Abernethy Creek; thence westerly along the southerly bank of the Abernethy Creek to the east bank of the Willamette River; thence southerly along the east bank of the Willamette River to the southerly line of First Street extended; thence easterly along the southerly line of First Street extended to the Bluff; thence northerly along the Bluff in the easterly line of Center Street; thence northerly along the easterly line of Center Street to the alley in Blocks 47 and 70; thence easterly along the southerly line of the alley which runs through Blocks 47 and 70 to the westerly line of John Adams Street; thence northerly along the westerly line of John Adams Street to the intersection of the southerly bank of Abernethy Creek or the point of beginning. (Ord. 1328; 12-19-45)

7-1-2: FIRE ZONE TWO: Fire Zone Two of the City shall be bounded as follows:

Beginning at a point where the northerly line of the alley running through Block 89 extended, and the edge of the Bluff; thence easterly along the northerly line of the alley in Block 89 extended to the westerly line of J. Q. Adams Street; thence northerly to the southerly line of the ciley running through Block 140; thence westerly along the southerly line of the alleys running through Blocks 140, 128, 113, 201, 64, 53, 40, to the edge of the Bluff; thence southerly along the Bluff to the intersection with the northerly line of the alley running through Block 89 extended, which point to the point of beginning.

7-1-3: FIRE ZONE THREE: Fire Zone Three of the City shall be bounded as follows:

All that area within the City Limits of the City not included in Zones One and Two. (Ord. 1294; 9-2-39)

CHAPTER 2

FIREWORKS

SECTION:

7-2-1: Fireworks Prohibited
7-2-2: Exceptions

7-2-1: FIREWORKS PROHIBITED: It shall be unlawful for any person within the Corporate Limits of the City to expose for sale, sell or offer for sale, barter, exchange, give or offer to sell, barter, exchange or give or cause to be sold, bargained, exchanged or given to any person, or for any person to have in his possession to use, discharge or explode any firecrackers, any bomb, dynamite cane, dewey chaser, torpedoes, toy pistols or other detonating works of similar character.

7-2-2: EXCEPTIONS: No provision of this Chapter shall be construed so as to restrain the laws of sale and use of explosives for improvement purposes. (Ord. 1096; 3-3-26)

CHAPTER 3

FIRE PREVENTION CODE

SECTION:

7-3-1: Adoption of Fire Prevention Code

7-3-1: ADOPTION OF FIRE PREVENTION CODE: For the purpose of regulating and governing conditions hazardous to life and property from fire, the Fire Prevention Code, 1960 Edition, as recommended by the National Board of Fire Underwriters, is hereby adopted. The Fire Prevention Code, three (3) copies of which shall be on file at all times in the office of the Recorder, shall be made a part of this Code as if set out at length herein. (1963 Code)

TITLE VIII
HEALTH AND SANITATION

Subject	Chapter
Eating and Drinking Establish- ments.....	1
Tourist Facilities	2
Milk	3
Garbage	4
Sewer Regulations	5
Nuisances.....	6
Rodent Protection	7

CHAPTER 1

EATING AND DRINKING ESTABLISHMENTS

— SECTION:

- 8-1-1: Adoption of Sanitary Code
- 8-1-2: License Required
- 8-1-3: Double License Not Required
- 8-1-4: Advertising Alcoholic Beverages Prohibited
- 8-1-5: Sale of Alcoholic Beverages to Minors Prohibited
- 8-1-6: Serving Alcoholic Beverages; Hours

— 8-1-1: ADOPTION OF SANITARY CODE: The Sanitary Code for eating and drinking establishments of the State of Oregon, being Chapter 432, Oregon Laws 1945, together with all amendments, rules and regulations which are now or hereafter may be enacted and promulgated, are hereby adopted by reference and made a part of this Chapter, and govern the operation of eating and drinking establishments within the City.

— All acts which are made unlawful by the Sanitary Code for eating and drinking establishments shall be considered as offenses against the City when committed within its boundaries and shall be punished by the general penalties provided by this Code. (Ord. 1325; 11-7-45)

— 8-1-2: LICENSE REQUIRED: It shall be unlawful for any person to open for business, conduct or maintain or cause to be opened, conducted or maintained, any food establishment in the City without first securing a license therefor as provided by Chapter 2, Title V. No license shall be issued by the Recorder for a food establishment until the application therefor has been investigated and approved in writing by the Chief of Police or by the Commission.

— 8-1-3: DOUBLE LICENSE NOT REQUIRED: Any person conducting both a food and other establishment requiring a license at the same location shall not be required to obtain or pay for more than one (1) license, but he shall pay the highest fee applicable.

— 8-1-4: ADVERTISING ALCOHOLIC BEVERAGES PROHIBITED: It shall be unlawful for any person operating a food establishment, to have any sign, window or outside display of any alcoholic liquors containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume.

— 8-1-5: SALE OF ALCOHOLIC BEVERAGES TO MINORS PROHIBITED: It shall be unlawful for any person operating a food establishment to sell, give or deliver alcoholic liquor containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume to any person under the age of twenty-one

(21) years, or to permit any person under the age of twenty-one (21) years to drink any alcoholic liquor containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume upon the premises of the licensee.

8-1-6: SERVING ALCOHOLIC BEVERAGES; HOURS: It shall be unlawful for any person operating a food establishment to sell, give away, deliver, or permit the drinking of alcoholic liquor containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume, in their place of business between the hours of 1:00 A.M. and 7:00 A.M. (Ord. 1251; 3-7-34)

CHAPTER 2

TOURIST FACILITIES

SECTION:

8-2-1: Adoption of State Law

8-2-1: ADOPTION OF STATE LAW: ORS 446.002 to 446.165 inclusive, together with all amendments which are now or hereafter may be enacted are hereby adopted by reference and made a part of this Chapter and govern the regulation of tourists and travelers' facilities and requiring certificates of sanitation therefor within the City.

All acts which are made unlawful in the above mentioned Sections shall be considered as offenses against the City when committed within its boundaries and shall be punished by the general penalties provided by this Code.

(Ord. 1419; 3-2-55)

CHAPTER 3
MILK

SECTION:

8-3-1: Adoption Public Health Service Milk Code
8-3-2: Permits

8-3-1: ADOPTION PUBLIC HEALTH SERVICE MILK CODE: The production and handling of milk and milk products sold for ultimate consumption within the City or its jurisdiction, all inspections, the issuing and revoking of permits and the serving of milk to the public shall be regulated by the adoption of the U. S. Public Health Service Milk Code, published by the U. S. Department of Health, Education and Welfare (1953), three (3) copies of which are now on file in the office of the Recorder and said Code is hereby adopted and incorporated as if fully set out at length herein.

8-3-2: (Repealed by Ord. 1540; 12-26-63)

CHAPTER 4

GARBAGE

SECTION:

- 8-4-1: Transportation Requirements
- 8-4-2: License Required
- 8-4-3: Application; Issuance; Fee
- 8-4-4: Collections; Rates
- 8-4-5: Contract
- 8-4-6: Cancellation of License
- 8-4-7: Dumping on City Property Prohibited
- 8-4-8: Metal Containers Required

8-4-1: TRANSPORTATION REQUIREMENTS: It shall be unlawful for any person to transfer or transport through any of the public streets of the City any swill or decayed matter, except it be in a watertight covered box or apparatus so as to prevent the contents thereoff from being deposited in the public streets or from being exposed in the open air during such process of transportation.

8-4-2: LICENSE REQUIRED: It shall be unlawful for any person to engage in the business of gathering swill or garbage in the City without first having obtained a license therefor and complying with the conditions as provided for in this Chapter. (Ord. 1003; 5-19-24)

8-4-3: APPLICATION; ISSUANCE; FEE: Any person desiring to engage in the business of gathering swill or garbage shall file his application with the Commission and shall present to the Commission the necessary facts showing that he has a proper dumping ground for the cans and refuse and a proper place for taking care of the swill and garbage. If the Commission shall find that the conditions are satisfactory the Commission may, by resolution or motion, authorize the Recorder to issue a license to the person to gather garbage in the City upon the payment of the sum of five hundred dollars (\$500.00) per annum for such license. (Ord. 1508; 5-2-62)

8-4-4: COLLECTIONS; RATES: Any person having received a license to gather garbage shall gather the same from the various residences and business places of the City at least once a week or as often as may be necessary to keep the streets in the City thoroughly cleaned up or as directed by the Commission and shall be authorized to charge the rates therefor as shall be from time to time determined by the Commission. (Ord. 1385; 6-52)

8-4-5: CONTRACT: The Mayor and Recorder shall be authorized at any time upon resolution of the Commission to enter into a contract with any person to whom a license may have been granted for the purpose of hauling away swill, garbage and other waste material in the City upon the terms and conditions as in this Chapter provided.

8-4-6: CANCELLATION OF LICENSE: The Commission hereby reserves the right to cancel the license and declare the same null and void, of any person who may have received a license, for the failure of such person to gather and haul away the swill, garbage, cans, boxes, waste material or dead animals, that they have been requested so to carry away, upon the payment of the amount of money as in this Chapter provided, and that may be agreed upon between the various residents and business houses of the City, and the person having such license and in accordance with any contract that may be entered into between the City and the person having a license to gather swill and garbage.
(Ord. 1003; 5-19-24)

8-4-7: DUMPING ON CITY PROPERTY PROHIBITED: It shall be unlawful for any person to place or dump, tin cans, garbage or refuse upon any of the streets, alleys, or any public property belonging to the City.
(Ord. 1255; 7-5-34)

8-4-8: METAL CONTAINERS REQUIRED: It shall be unlawful for any person to have in his possession any garbage, unless the same be enclosed in a clean metal container and securely covered with a metallic lid so as to prevent the accumulation of flies. (Ord. 867; 7-6-21)

CHAPTER 5

SEWER REGULATIONS

SECTION:

- 8-5- 1: Sewer Connections Required
- 8-5- 2: Chief of Police to Place Notice
- 8-5- 3: Privies to be Filled in
- 8-5- 4: Engineer to Approve Specifications
- 8-5- 5: Engineer to Issue Permits
- 8-5- 6: Bond Required
- 8-5- 7: Acceptance of Connection by City
- 8-5- 8: Engineer to be Notified When Work Commenced
- 8-5- 9: Connections to Existing Work
- 8-5-10: Proper Barriers to be Placed
- 8-5-11: Condition of Fixtures
- 8-5-12: Revocation of Permit
- 8-5-13: Connections from Outside Sewer District
- 8-5-14: Applications from Outside City Limits
- 8-5-15: Issuance of Permit; Connection Supervision
- 8-5-16: Entry in Lien Record
- 8-5-17: Private Connections Prohibited
- 8-5-18: Substances Detrimental to Sewage Treatment Plant
- 8-5-19: Sanitary Requirements

8-5-1: **SEWER CONNECTIONS REQUIRED:** All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.

It shall be unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the City, after the time specified for connecting the house or premises as provided in the ordinance establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer as provided in this Section.

8-5-2: **CHIEF OF POLICE TO PLACE NOTICE:** It shall be the duty of the Chief of Police to ascertain all houses and premises in the districts, whose owners have not complied with the ordinance providing for the connection of the privies, located therein or upon such premises, and to post a notice thereon, that it shall be unlawful for any person to reside in the house or upon the premises, while the water closets, sinks, bathtubs and drains used in connection with the house or premises, remain unconnected with the public sewer in such district.

8-5-3: PRIVIES TO BE FILLED IN: All property owners within a sewer district are required to close and properly fill with earth all privy vaults, cesspools and septic tanks within the time specified in the ordinance establishing the sewer district and hereafter it shall be unlawful for any property owner to dig or make use of any cesspool, privy vault or septic tank within any sewer district in which there has been a public sewer constructed to serve the premises.

8-5-4: ENGINEER TO APPROVE SPECIFICATIONS: All connections made with any public sewer or drain in the City shall be made according to the specifications made or approved by the Engineer.

8-5-5: ENGINEER TO ISSUE PERMITS: The Engineer is hereby authorized to grant such permits as he may deem necessary for allowing persons to tap the public sewers or drains, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the City harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection.

8-5-6: BOND REQUIRED: No person shall be authorized by the Engineer to do this work of making connections with any of the public sewers or drains until he has furnished and filed a surety company bond in the office of the Recorder in the sum of five hundred dollars (\$500.00) conditioned that he will indemnify and save harmless the City from all loss or damage that may be occasioned in any way by accident or the want of care or skill on his part in the prosecution of such work or that may be occasioned by reason of any opening by him made or caused to be made in a street, market place, or public ground in making of any public or private sewer or drain as aforesaid; and conditioned also that he will promptly at the proper time replace and restore the street and pavement over the opening to as good state and condition as he found it previous to the opening of the same, and that he will conform in all respects to the rules and regulations which may from time to time be established by the Commission in relation to putting junctions and tapping of the sewers and drains.

8-5-7: ACCEPTANCE OF CONNECTION BY CITY: Each person so licensed who shall make connections with the sewers or drains, shall keep in repair and good order the whole of the work executed by him until the same is accepted by the Engineer, or such other person as may be designated for that purpose, which acceptance shall be given in writing, and shall not be given until the expiration of one (1) year after the completion of the work.

8-5-8: ENGINEER TO BE NOTIFIED WHEN WORK COMMENCED: After the permit has been issued notice in writing must in all cases be left in the office of the Engineer by the person who is about to make the connection with any sewer or drain, stating the time when the work will be ready for inspection previous to making the connection.

— 8-5-9: **CONNECTIONS TO EXISTING WORK:** No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four (24) hours is given to the Engineer and permit issued.

— In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the City, duly authorized, is present to see the whole of the work done.

— 8-5-10: **PROPER BARRIERS TO BE PLACED:** All openings and obstructions in any street must be carefully guarded by the person holding the permit authorizing such opening or obstructions at all times with sufficient barriers, and during the nighttime shall be indicated by colored lights, and such other precautions shall be taken as shall be necessary to guard the public against accidents; and at all times the work shall be so done as to cause the least inconvenience to property owners and the general public.

— 8-5-11: **CONDITION OF FIXTURES:** It shall be unlawful for any person in possession of premises into which a pipe or other connection with the public sewers or drains has been laid for the purpose of carrying off animal refuse from privies or water closets, slops from kitchens, or other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters and to keep the same unobstructed.

— 8-5-12: **REVOCAITON OF PERMIT:** Any person authorized to make connections with sewers or drains who shall be guilty of any violation of the provisions of this Chapter shall be immediately deprived of his permit. (Ord. 1094; 2-15-26)

8-5-13: **CONNECTIONS FROM OUTSIDE SEWER DISTRICT:** Whenever a person owning property not included within the limits of any sewer district created in the City, desires to connect said property with the public sewer system in the adjoining district, he shall make written application for permission therefor to the Recorder specifying in the application the location, number and size of the lot or the area to be drained and whether for house sewage drainage or otherwise, the distance to the nearest public sewer by direct line from the center of the lot or area, together with his written consent that if the permission is granted he will comply with all the provisions of this Chapter and the rules and regulations creating and controlling the system in the sewer district within which he desires to connect.

— Upon receipt of application the Recorder shall forthwith refer the same to the Commission and if consent is granted by resolution of the Commission the owner of the property may connect the lot or area with the public sewer system upon the payment of the following charges to the Recorder:

— The Recorder shall ascertain from the records of the sewer district the cost of the sewer to each person having connected with the sewer within that portion of the district where the applicant desires to make a connection and the applicant

shall pay for each connection, house or building, a like amount to the Recorder as aforesaid. The applicant shall pay all the cost of connecting the lot or area by sewer pipes to the sewer system and also the maintenance of the connection.

8-5-14: APPLICATIONS FROM OUTSIDE CITY LIMITS: An applicant owning property outside of the City Limits may apply for permission to connect with the sewer in like manner as one within the City Limits and outside of a created sewer district.

8-5-15: ISSUANCE OF PERMIT; CONNECTION SUPERVISION: When permission is granted by the Commission and the fees paid by the applicant a copy of the permit shall be given to the Engineer who at the expense of the applicant, shall superintend the connection of the sewer with the sewer system in the sewer district in which the privilege has been granted and upon the completion of the connection shall return the same to the Recorder with his endorsement of the time and place of connection.

8-5-16: ENTRY IN LIEN RECORD: The Recorder shall enter the permit in the docket of the City liens immediately following the entered matter which relates to the system of that sewer district to which permission to connect has been granted, and shall credit the fees paid to the General Fund.

8-5-17: PRIVATE CONNECTIONS PROHIBITED: It shall be unlawful for any person to connect a private sewer from his property with a private sewer on any other property which is connected with the public sewers without first having made the foregoing application and paying the amount computed by the Recorder, as the charge for said privilege; it shall also be unlawful to connect any lot or premises, either directly or indirectly, lying outside of the limits of a sewer district with any public sewer without first complying with the provisions of this Chapter. (Ord. 1089; 2-18-26)

8-5-18: SUBSTANCES DETRIMENTAL TO SEWAGE TREATMENT PLANT: It shall be unlawful for any person to permit to be drained, any oils, greases, chemicals, liquids and substances which might be detrimental to the sewage treatment plant, into any sewer, drain or pipe leading to the plant from any premises in the City. (Ord. 1404; 10-53)

8-5-19: SANITARY REQUIREMENTS: In factories and workshops where there are fifteen (15) persons or less of each sex, there shall be provided by the proprietor or owner one (1) water closet for each sex, and one (1) for each additional fifteen (15) persons of each sex or minimum thereof. Toilets shall be separate in all cases. Every tenement or lodging house shall be provided with one (1) water closet for every ten (10) rooms or minimum thereof, and one (1) sink for each floor. All residences and public halls shall be provided with at least one (1) water closet and one (1) sink. (Ord. 376; 4-17-07)

CHAPTER 6
NUISANCES

-- SECTION:

- 8-6- 1: Public Nuisance Defined
- 8-6- 2: Nuisances Affecting Health
- 8-6- 3: Nuisances Affecting Morals and Decency
- 8-6- 4: Nuisances Affecting Peace and Safety
- 8-6- 5: Violation; Penalty
- 8-6- 6: Abatement Notice
- 8-6- 7: Abatement by Owner
- 8-6- 8: Abatement by the City
- 8-6- 9: Assessment of Cost
- 8-6-10: Procedure of Abatement Not Exclusive

-- 8-6-1: PUBLIC NUISANCE DEFINED: A nuisance is a thing, act, occupation or use of property which:

- (A) Shall annoy, injure or endanger the safety, health, comfort or repose of the public.
- (B) Shall unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage a public park, square, street, alley or highway.
- (C) Shall offend public decency.
- (D) Shall in any way render the public insecure in life or in use of property.

-- 8-6-2: NUISANCES AFFECTING HEALTH: The following are hereby declared to be nuisances affecting health:

- (A) All decayed or unwholesome food offered for sale to the public.
- (B) All diseased animals running at large.
- (C) All ponds or pools of stagnant water.
- (D) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
- (E) Accumulations of manure or rubbish.
- (F) Privy vaults and garbage cans which are not flytight.
- (G) The pollution of any public or private well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.

- (H) All noxious weeds and other rank growths upon public or private property.
- (I) All public exposure of persons having a contagious disease.
- (J) The use of a common public drinking cup or roller towel.
- (K) The distribution of samples of medicine or drugs unless such samples are placed in the hands of an adult person.
- (L) All other acts, omissions of acts, occupations and uses of property which are deemed by the Board of Health to be a nuisance to the health of the inhabitants of this City or any considerable number thereof.
- (M) Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities.

8-6-3: NUISANCES AFFECTING MORALS AND DECENCY: The following are hereby declared to be nuisances affecting public morals and decency:

- (A) All houses kept for the purpose of prostitution or promiscuous intercourse, gambling houses, houses of ill fame and bawdy houses.
- (B) All domestic animals in the act of copulation exposed to public view.
- (C) All places where intoxicating liquor is manufactured, sold, bartered or given away in violation of law.
- (D) All indecent or obscene pictures, books, pamphlets, magazines and newspapers.
- (E) Betting, bookmaking, prize fighting and all apparatus used in such occupations in violation of law.

8-6-4: NUISANCES AFFECTING PEACE AND SAFETY: The following are declared to be nuisances affecting public peace and safety:

- (A) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.
- (B) All limbs of trees which are less than eight feet (8') above the surface of any street or sidewalk.
- (C) All wires which are strung less than fifteen feet (15') above the surface of the ground, except clotheslines.
- (D) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount in violation of any law.
- (E) All use or display of fireworks in violation of law.

- (F) All unnecessary noise and annoying vibrations.
- (G) All buildings and alterations to buildings made or erected within the Fire Limits as established in this Code in violation of the regulations concerning manner and materials of construction.
- (H) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by law.
- (I) Radio aerials strung in any manner in violation of any law.
- (J) Any use of property abutting upon a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets and sidewalks.
- (K) All hanging signs, awnings and other similar structures over the streets or sidewalks, or situated as to endanger public safety, or constructed and maintained in violation of the provisions of this Code pertaining thereto.
- (L) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- (M) All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public.
- (N) All use of stationary loud speakers in any part of the City in such manner as to annoy any of the inhabitants of the City.
- (O) All irrigation water permitted to run in the streets or alleys of the City except such as is confined in irrigation ditches or flumes.
- (P) All other conditions or things which are liable to cause injury to the person or property of anyone.

— 8-6-5: VIOLATION; PENALTY: Any person who shall knowingly cause or create a nuisance or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by him or them shall, upon conviction thereof, be deemed guilty of a misdemeanor, and subject to the penalty provided in Chapter 3, Title 1 of this Code.

— 8-6-6: ABATEMENT NOTICE:

- (A) Upon determination by the Commission that a nuisance, as defined in this Chapter, exists, the Commission shall forthwith cause a notice to be posted on the premises liable for the nuisance directing the removal or abatement of such nuisance.
- (B) At the time of posting, the Commission shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or agent in charge of the property at the last known address of such owner or agent.

(C) The notice to abate shall contain:

1. A description of the real property, by street address or otherwise, on which or adjacent to which the nuisance exists.
2. A direction to remove the nuisance within fifteen (15) days from the date of the notice.
3. A description of the nuisance.
4. A statement that unless such nuisance is removed or abated the City will do so and the cost thereof shall be a lien against the property.
5. A statement that the owner or agent in charge of the property may protest the action by giving notice to the Recorder within fifteen (15) days from the date of mailing of the notice.

(D) The person posting and mailing the notice as provided herein shall, upon completion of the posting and mailing, execute and file in the office of the Recorder a certificate stating the date and place of such mailing and posting.

(E) An error in the name or address of the owner or agent in charge of the property or the use of a name other than that of the owner or agent shall not make the notice void and in such a case the posted notice shall be deemed sufficient.

8-6-7: ABATEMENT BY THE OWNER:

(A) Within the time allowed by the notice as provided in Section 8-6-6, the owner or agent in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

(B) The owner or agent in charge protesting that no nuisance in fact exists shall file with the Commission a written statement which shall specify the basis for contending that no nuisance exists.

(C) The Statement of protest shall be a part of the Commission's regular agenda at its next succeeding meeting. At the time set for the consideration of the abatement, the owner or agent may appear and be heard by the Commission and the Commission shall thereupon determine whether a nuisance in fact exists and such determination shall be entered in the official minutes of the Commission. Commission determination shall be required only in those cases where a written protest has been filed as provided herein.

(D) Upon Commission determination that a nuisance does in fact exist, the owner or agent in charge shall within a reasonable time as determined by the Commission and within a period of not more than fifteen (15) days, remove or abate such nuisance.

— 8-6-8: ABATEMENT BY THE CITY:

- (A) If within the time fixed, as provided in this Chapter, the nuisance has not been abated by the owner or agent in charge of the property, the Commission shall cause the nuisance to be abated.
- (B) The Commission (or official in charge) shall maintain an accurate record of the expense incurred by the City in abating the nuisance and shall include therein an overhead charge of ten per cent (10%) of the total cost for administration.
- (C) The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.

— 8-6-9: ASSESSMENT OF COST:

- (A) A notice of the assessment shall be forwarded by registered or certified mail, postage prepaid, to the owner or agent in charge of the property by the Recorder. The notice shall contain:
 - 1. The total cost, including the administrative overhead, of the abatement.
 - 2. A statement that the cost as indicated will become a lien against the property unless paid within sixty (60) days.
 - 3. A statement that if the owner or agent in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the Recorder within thirty (30) days from the date of the notice.
- (B) Objections to the proposed assessment shall be heard and determined by the Commission in the regular course of its business.
- (C) An assessment for the cost of the abatement as determined by the Commission shall be made by resolution of the Commission and shall thereupon be entered in the docket of City liens, and upon such entry being made, it shall constitute a lien against the property from which the nuisance was removed or abated.
- (D) The lien shall be collected in the same manner as liens for street improvements are collected, and shall bear interest at the rate of six per cent (6%) per annum. Such interest shall commence to run thirty (30) days after the entry in the lien docket.
- (E) An error in the name of the owner or agent in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

8-6-10: PROCEDURE OF ABATEMENT NOT EXCLUSIVE: The procedure provided by this Chapter is not exclusive, but in addition to procedure provided by other provisions of this Code, and furthermore, the Health Officer and the police officers of this City may proceed summarily to abate a sanitary or other nuisance which unmistakably exists and from which there is imminent danger to human life or property. (1963 Code)

CHAPTER 7
RODENT PROTECTION

SECTION:

- 8-7-1: Buildings to be Rat Free
- 8-7-2: Eradication; Notice
- 8-7-3: Inspections

8-7-1: BUILDINGS TO BE RAT FREE: All buildings or structures in the City shall be freed of rats and maintained in a rat free condition to the satisfaction of the Health Department.

8-7-2: ERADICATION; NOTICE: Whenever the Health Department notifies the owner or occupant of a building or structure, in writing that there is evidence of rat infestation of the building or structure, the owner or occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the Health Department to be free of rat infestation. Unless the measures are undertaken within five (5) days after receipt of notice from the Health Department, it shall be construed as a violation of this Chapter and said owner or occupant shall be deemed guilty of an offense under this Chapter.

8-7-3: INSPECTIONS: The Health Department is empowered to make inspections of the interior and exterior of any building or structure as in their opinion may be necessary to determine full compliance with the provisions of this Chapter. (Ord. 1424; 6-15-55)

TITLE IX

PUBLIC WAYS AND PROPERTY

Subject	Chapter
Sidewalks.....	1
Retaining Walls.....	2
Parkings	3
Excavations	4
Obstructions	5
Numbering of Buildings	6
Weeds.....	7
Mountain View Cemetery.....	8
Utility Wires and Poles.....	9
Subdivision Regulations	10

CHAPTER 1

SIDEWALKS

SECTION:

- 9-1-1: Construction Specifications on Improved Streets
- 9-1-2: Construction Specifications on Unimproved Streets
- 9-1-3: Compliance with Charter Provisions

9-1-1: CONSTRUCTION SPECIFICATIONS ON IMPROVED STREETS: All sidewalks hereafter constructed in the City on improved streets shall be located abutting the property line, unless upon a special permit granted by the Commission. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of the street next preceding unless otherwise ordered by the Commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the Engineer.

9-1-2: CONSTRUCTION SPECIFICATIONS ON UNIMPROVED STREETS: Sidewalks constructed on unimproved streets may be constructed of concrete or wood, and shall be constructed according to lines and grades established by the Engineer and approved by the Commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

9-1-3: COMPLIANCE WITH CHARTER PROVISIONS: Any sidewalk in the City may be petitioned for and constructed as provided in Article 3 of the Charter.

All sidewalks in the City shall be constructed, reconstructed or repaired as provided in Article 5, Sections 121, 122, 123 and 124 of the Charter.
(Ord. 1097; 3-3-26)

CHAPTER 2

RETAINING WALLS

SECTION:

- 9-2-1: Where Retaining Walls Required
- 9-2-2: Removal of Sliding Dirt
- 9-2-3: Failure to Comply; Notice
- 9-2-4: City May Construct; Lien

9-2-1: WHERE RETAINING WALLS REQUIRED: Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

9-2-2: REMOVAL OF SLIDING DIRT: It shall be the duty of the owner of any property as mentioned in Section 9-2-1, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

9-2-3: FAILURE TO COMPLY; NOTICE: If the owner of a lot or tract of land abutting upon an improved street, where the same requires a retaining wall to keep the earth from falling or sliding upon the sidewalk or into the street, fails or refuses to build such wall upon his own motion, the Street Superintendent shall post upon his lot or tract of land, a notice to the owner or agent, as the case may be, to build the same, and he shall file with the Recorder his affidavit that the notice was posted on the property, giving the time and place. If the owner lives upon the premises, then the notice as posted shall be sufficient, but in case he does not live upon the premises affected, or if he is a nonresident, then the Recorder upon receiving the affidavit of the Street Superintendent, shall mail a copy of the notice to the owner of the property, if known, or to the agent of the owner, if known, and directed to the post office address of the owner or agent, when the address is known to the Recorder, and if the post office address is unknown to the Recorder, the notice shall be directed to the owner or agent at Oregon City. No notice shall be required for the owner or agent to remove dirt

CHAPTER 1

SIDEWALKS

SECTION:

- 9-1-1: Construction Specifications on Improved Streets
- 9-1-2: Construction Specifications on Unimproved Streets
- 9-1-3: Compliance with Charter Provisions

— 9-1-1: CONSTRUCTION SPECIFICATIONS ON IMPROVED STREETS: All sidewalks hereafter constructed in the City on improved streets shall be located abutting the property line, unless upon a special permit granted by the Commission. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of the street next preceding unless otherwise ordered by the Commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the Engineer.

— 9-1-2: CONSTRUCTION SPECIFICATIONS ON UNIMPROVED STREETS: Sidewalks constructed on unimproved streets may be constructed of concrete or wood, and shall be constructed according to lines and grades established by the Engineer and approved by the Commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

— 9-1-3: COMPLIANCE WITH CHARTER PROVISIONS: Any sidewalk in the City may be petitioned for and constructed as provided in Article 3 of the Charter.

All sidewalks in the City shall be constructed, reconstructed or repaired as provided in Article 5, Sections 121, 122, 123 and 124 of the Charter.
(Ord. 1097; 3-3-26)

CHAPTER 2

RETAINING WALLS

SECTION:

- 9-2-1: Where Retaining Walls Required
- 9-2-2: Removal of Sliding Dirt
- 9-2-3: Failure to Comply; Notice
- 9-2-4: City May Construct; Lien

9-2-1: WHERE RETAINING WALLS REQUIRED: Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

9-2-2: REMOVAL OF SLIDING DIRT: It shall be the duty of the owner of any property as mentioned in Section 9-2-1, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

9-2-3: FAILURE TO COMPLY; NOTICE: If the owner of a lot or tract of land abutting upon an improved street, where the same requires a retaining wall to keep the earth from falling or sliding upon the sidewalk or into the street, fails or refuses to build such wall upon his own motion, the Street Superintendent shall post upon his lot or tract of land, a notice to the owner or agent, as the case may be, to build the same, and he shall file with the Recorder his affidavit that the notice was posted on the property, giving the time and place. If the owner lives upon the premises, then the notice as posted shall be sufficient, but in case he does not live upon the premises affected, or if he is a nonresident, then the Recorder upon receiving the affidavit of the Street Superintendent, shall mail a copy of the notice to the owner of the property, if known, or to the agent of the owner, if known, and directed to the post office address of the owner or agent, when the address is known to the Recorder, and if the post office address is unknown to the Recorder, the notice shall be directed to the owner or agent at Oregon City. No notice shall be required for the owner or agent to remove dirt

CHAPTER 4

EXCAVATIONS

SECTION:

- 9-4-1: Excavations; Permit Required
- 9-4-2: Permit Restrictions
- 9-4-3: Restoration of Pavement

9-4-1: EXCAVATIONS; PERMIT REQUIRED: It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the Engineer a written permit so to do.

9-4-2: PERMIT RESTRICTIONS: The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

9-4-3: RESTORATION OF PAVEMENT: Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the Engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley. (Ord. 794; 11-29-16)

CHAPTER 5
OBSTRUCTIONS

SECTION:

9-5-1: Permit Required
9-5-2: When Obstruction Declared Nuisance
9-5-3: Use of Sidewalks for Goods or Merchandise

9-5-1: **PERMIT REQUIRED:** It shall be unlawful for any person to place, put or maintain an obstruction in any public street or alley in the City, without obtaining a permit from the Commission.

9-5-2: **WHEN OBSTRUCTION DECLARED NUISANCE:** The Commission may by resolution, declare any obstruction to a public street or alley in the City to be a nuisance, and may by such resolution, compel any person maintaining the obstruction, to remove the same from the street or alley, within a reasonable time, to be designated in the resolution. (Ord. 793; 11-29-16)

9-5-3: **USE OF SIDEWALKS FOR GOODS OR MERCHANDISE:** It shall be unlawful for any person to use the public sidewalks of the City for the purpose of packing or unpacking goods or merchandise, or for the display of merchandise, or to leave any goods, merchandise, boxes, barrels, trunks or other articles upon any portion of the public streets, or sidewalks, except while actually removing the same into or out of some building or inclosure, or loading the same into or out of some vehicle. (Ord. 1556; 11-23-64)

CHAPTER 7

WEEDS

SECTION:

- 9-7-1: Removal Required
- 9-7-2: Nuisance Declared
- 9-7-3: Investigations; Notice to Remove
- 9-7-4: Abatement; Hearing
- 9-7-5: Abatement by City; Lien
- 9-7-6: Payment for Removal; Reimbursement

9-7-1: **REMOVAL REQUIRED:** The owner or the agent of the owner of any lot or parcel of land, improved or unimproved, shall during the months of May, June, July, August and September of each year, cut and remove and keep cut and removed therefrom, all weeds, thistles, shrubs, ferns and other noxious vegetation and all grass more than six inches (6") high, and all dead brush, dead trees, shrubs and other things likely to cause fire, and during all months of the year remove and keep removed therefrom all stagnant water, filth, rubbish, waste material, old cans and any other substance which may endanger or injure neighboring property, passers by, or the health, safety and welfare of the public, and during all months of the year keep the sidewalk on streets abutting the property free from earth, rock and other debris, and from projecting or overhanging brush, bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. Nothing herein contained shall be considered to apply to brush, trees, shrubbery or other vegetation grown for food, fuel or ornament; providing, that the health and safety of the public is not endangered by the growth of such vegetation. Brush, bushes and limbs of all kinds shall be trimmed and cut back so that they shall not project over the sidewalk or roadway area to any extent, whether the same be grown for food, fuel or ornament; excepting that limbs may be allowed to project at an elevation of not less than eight feet (8') above the level of the sidewalk or ten feet (10') above the street.

9-7-2: **NUISANCE DECLARED:** Any person whose duty it is to remove such, and who fails to do so shall be subject to the penalty provided by Chapter 4, Title 1 of this Code. Any of the aforementioned things existing where there is a duty to remove the same shall constitute a nuisance.

9-7-3: **INVESTIGATIONS; NOTICE TO REMOVE:** Monthly investigation shall be made by the Chief of Police, and if any nuisance be found he shall file his report with the Manager describing the lot or tract of land on which the nuisance exists, and the Manager shall cause to be posted upon the property, liable for the abatement of the nuisance a notice in legible characters directing the removal of the nuisance, which notice shall be substantially in the following form:

(See form on following page)

NOTICE TO REMOVE NUISANCE

To the owner, agent of owner or occupant of the following described real property (here insert description of property by lot or by the street and number) in the City of Oregon City, Oregon.

You are hereby notified to remove and abate the nuisance existing on _____, within ten (10) days from the date of this notice, which nuisance consists of (here give general description of nuisance) or show to the Commission of the City of Oregon City that a nuisance does not exist. In case of failure to remove said nuisance within the stated time, the City of Oregon City will cause the same to be abated against the property herein described.

Date. (month, day and year).

City Recorder.

And he shall also at approximately the time of posting the notice cause the Recorder to be notified thereof and he shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the owner or agent of the owner of the real property directed to his last known post office address, or if the post office address shall be unknown to the Recorder, the notice shall be directed to the owner or agent at Oregon City, Oregon. A mistake in the name of the owner or agent, or a name other than the name of the true owner or agent of the property, shall not render void the notice but in such case posted notice shall be sufficient.

The person posting the notice and the person mailing the same shall file in the office of the Recorder a certificate stating the date and place of mailing and posting. Any employee of the City may be directed to post the notice.

9-7-4: ABATEMENT; HEARING: Within ten (10) days after the posting and mailing of the notice, the owner, agent of the owner, or occupant of any such property shall remove and abate the nuisance or show that no nuisance in fact exists. The showing may be made by the filing with the Commission a written statement that no nuisance exists on the property. Thereupon the Commission shall set a time for hearing and at the time set for hearing the person may appear and the Commission shall grant him a hearing and shall thereupon determine whether or not the nuisance exists. If it be determined by the Commission that the nuisance does exist the Manager shall proceed to abate the nuisance in the manner provided for in Section 9-7-4 of this Chapter.

9-7-5: ABATEMENT BY CITY; LIEN: If the owner, agent or occupant of the property shall fail, refuse, or neglect to remove the nuisance as in the notice provided within ten (10) days from the date of posting the notice, the Manager shall be authorized to cause the nuisance to be removed where the notice has been duly posted, as hereinbefore provided, and he shall keep an accurate account of the cost of the labor in removing the nuisance on each lot or parcel of land, and shall file a written report with the Recorder of the cost thereof and description of the lot or tract of land upon which the labor was expended.

The cost thereof, plus ten per cent (10%) additional to defray the cost of posting notice and mailing, shall constitute the cost of the removal of the nuisance. Upon the receipt of the statement the Recorder shall forward to the owner or the agent of the owner, of the property herein mentioned, a notice setting forth the expense incurred, and stating that the Commission proposes to assess against his property the amounts mentioned in the statement, and that objections to the proposed assessment may be made in writing and filed with the Recorder on or before twenty (20) days from the date of mailing the notice. Upon the expiration of twenty (20) days, objections to the proposed assessment will be heard and determined by the Commission, and the expense so incurred shall by ordinance be declared, and the assessment shall be entered in the docket of City liens, and upon such entry the same shall constitute a lien upon the property from which the nuisance was removed and abated, and shall be collected and foreclosed as in the Charter provided for the collection and foreclosure of City liens for street and sewer improvements and shall bear interest at the rate of six per cent (6%) from the date of entry in the lien docket.

9-7-6: PAYMENT FOR REMOVAL; REIMBURSEMENT: Money for the removal of any nuisance as in this Chapter described may at the discretion of the Commission be advanced from the General Fund to be reimbursed by the special assessment when collected. (Ord. 1128; 7-19-26)

CHAPTER 8
MOUNTAIN VIEW CEMETERY

SECTION:

- 9-8-1: Cemetery Named
- 9-8-2: Commission to Promulgate Rules
- 9-8-3: Sexton to Keep Register; Prepare Graves
- 9-8-4: Payment for Lots; Title
- 9-8-5: Price of Lots
- 9-8-6: Certificate and Permit Required for Burial
- 9-8-7: Injury to Cemetery Property

9-8-1: CEMETERY NAMED: The grounds now included and used by the City for cemetery purposes shall be known as "Mountain View Cemetery."

9-8-2: COMMISSION TO PROMULGATE RULES: The cemetery will be governed by rules and regulations approved by the Commission, a copy of which may be obtained at the office of the Recorder, or at the cemetery, from the Sexton.

9-8-3: SEXTON TO KEEP REGISTER; PREPARE GRAVES: It shall be the duty of the Sexton to keep a register in which shall be recorded the name of the deceased, date of death, date of interment, number of lot, block and grave in which interment has been made; in case of disinterment the name of the person whose remains are removed, date of disinterment and number of the permit allowing same. It shall be his duty to prepare all graves and shall attend to all of the duties appertaining to his office at the interment of bodies. It shall also be his duty to disinter all bodies upon proper application purpose only. Where persons have acquired title to a lot prior to the time when there were laws regulating the sale of lots, the record shall so state in the space reserved for price of lot.

9-8-4: PAYMENT FOR LOTS; TITLE: Upon payment being made to the Recorder of the price of lot selected, he shall give to the person making payment, a certificate of title to the same. The Recorder shall upon application being made give a burial permit to the owners of lots, but in no case shall a permit be granted unless the party applying can produce a certificate of title to the lot on the records in the Recorder's office showing that the applicant is an owner of a lot. The Sexton shall not permit interment to be made in the cemetery until authorized to do so by the burial or disinterment permit provided for herein, which permit he shall keep on file. Any owner of a lot in the cemetery may be allowed the interment of the remains of a friend or other person not his family, without charging for the same, but to allow such interment for compensation is strictly forbidden.

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- 9-8-5: PRICE OF LOTS: The price of all lots in Second Addition, Sec. A B E F shall not exceed fifty dollars (\$50.00) each and are under perpetual care of the cemetery management without extra charge.
- 9-8-6: CERTIFICATE AND PERMIT REQUIRED FOR BURIAL: No person shall be allowed to have their dead interred in the cemetery without first obtaining a certificate of title from the Recorder to the lot in which they desire to inter said remains, together with a permit allowing the burial.
 - Any person desiring to inter their dead in the cemetery, shall make application to the Recorder, giving the name and age of deceased, date and cause of death, and he shall enter the same upon a register kept for that purpose. Any person desiring to disinter a body buried in said cemetery shall make application to the Recorder, who shall, if everything is regular issue a permit allowing such disinterment.
 - The Recorder is hereby empowered to sell lots in the cemetery and shall collect for the same before issuing the permit mentioned herein.
 - All money so collected by him shall be paid over to the Treasurer as provided by the Charter, and all such amounts so collected shall be kept by the Treasurer in a fund to be known as the Cemetery Fund. The money in the Fund shall be used for cemetery purposes only.
- 9-8-7: INJURY TO CEMETERY PROPERTY: Any unauthorized person who shall injure, remove or deface any headboard, tombstone, monument, tree shrub, or any property in the cemetery or violate any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor. (Ord. 1093; 3-3-26)

CHAPTER 9

UTILITY WIRES AND POLES

SECTION:

- 9-9-1: Permit Required to Erect
- 9-9-2: Applications for Permits
- 9-9-3: When Permit Denied
- 9-9-4: Erection Restrictions
- 9-9-5: Failure to Comply

9-9-1: PERMIT REQUIRED TO ERECT: It shall be unlawful for any person to erect poles or stretch wires or cables in, on, under, over or across any of the streets, alleys, bridges, public ways or public grounds within the City for any purpose whatsoever, except in pursuance of a permit from the Engineer. The permit shall be granted only to persons having franchises allowing them the privilege and in accordance with laws governing the same.

9-9-2: APPLICATIONS FOR PERMITS: All applications for permits must be made in writing, showing the place where such poles are proposed to be erected, said application to be filed with the Recorder.

9-9-3: WHEN PERMIT DENIED: No permit shall be granted for the erection of any poles in any street when the erection of the same would in any way interfere with any sewer or sewer connections, or water mains or pipes, or which would in any way interfere with the free use of the streets or damage abutting property.

9-9-4: ERECTION RESTRICTIONS: All poles for the purpose set forth in this Chapter shall be of cedar and not less than forty feet (40') long; provided, that in the residence portion of the City the Engineer in his discretion may designate a shorter length but not less than thirty-five feet (35') and shall not vary more than six inches (6") from the perpendicular; the poles shall be cleared of all bark and dressed or shaved smooth, and otherwise present a neat appearance; and shall have two (2) coats of paint when put up, and shall be repainted once in every two (2) years thereafter a dark green color. No wires or cables shall be stretched or suspended on any pole less than twenty-eight feet (28') above the ground or established grade of the street.

9-9-5: FAILURE TO COMPLY: Any person who shall violate or fail to comply with any provision or requirement of this Chapter, shall be deemed guilty of a misdemeanor and the poles, wires or cables removed by the Engineer, at the expense of the person; provided however, that any person owning or having control of any poles, wires or cables described in this Chapter, upon whose agent or employee, notice has been given or served to comply with any

The cost thereof, plus ten per cent (10%) additional to defray the cost of posting notice and mailing, shall constitute the cost of the removal of the nuisance. Upon the receipt of the statement the Recorder shall forward to the owner or the agent of the owner, of the property therein mentioned, a notice setting forth the expense incurred, and stating that the Commission proposes to assess against his property the amounts mentioned in the statement, and that objections to the proposed assessment may be made in writing and filed with the Recorder on or before twenty (20) days from the date of mailing the notice. Upon the expiration of twenty (20) days, objections to the proposed assessment will be heard and determined by the Commission, and the expense so incurred shall by ordinance be declared, and the assessment shall be entered in the docket of City liens, and upon such entry the same shall constitute a lien upon the property from which the nuisance was removed and abated, and shall be collected and foreclosed as in the Charter provided for the collection and foreclosure of City liens for street and sewer improvements and shall bear interest at the rate of six per cent (6%) from the date of entry in the lien docket.

9-7-6: PAYMENT FOR REMOVAL; REIMBURSEMENT: Money for the removal of any nuisance as in this Chapter described may at the discretion of the Commission be advanced from the General Fund to be reimbursed by the special assessment when collected. (Ord. 1128; 7-19-26)

CHAPTER 8
MOUNTAIN VIEW CEMETERY

SECTION:

- 9-8-1: Cemetery Named
- 9-8-2: Commission to Promulgate Rules
- 9-8-3: Sexton to Keep Register; Prepare Graves
- 9-8-4: Payment for Lots; Title
- 9-8-5: Price of Lots
- 9-8-6: Certificate and Permit Required for Burial
- 9-8-7: Injury to Cemetery Property

9-8-1: CEMETERY NAMED: The grounds now included and used by the City for cemetery purposes shall be known as "Mountain View Cemetery."

9-8-2: COMMISSION TO PROMULGATE RULES: The cemetery will be governed by rules and regulations approved by the Commission, a copy of which may be obtained at the office of the Recorder, or at the cemetery, from the Sexton.

9-8-3: SEXTON TO KEEP REGISTER; PREPARE GRAVES: It shall be the duty of the Sexton to keep a register in which shall be recorded the name of the deceased, date of death, date of interment, number of lot, block and grave in which interment has been made; in case of disinterment the name of the person whose remains are removed, date of disinterment and number of the permit allowing same. It shall be his duty to prepare all graves and shall attend to all of the duties appertaining to his office at the interment of bodies. It shall also be his duty to disinter all bodies upon proper application purpose only. Where persons have acquired title to a lot prior to the time when there were laws regulating the sale of lots, the record shall so state in the space reserved for price of lot.

9-8-4: PAYMENT FOR LOTS; TITLE: Upon payment being made to the Recorder of the price of lot selected, he shall give to the person making payment, a certificate of title to the same. The Recorder shall upon application being made give a burial permit to the owners of lots, but in no case shall a permit be granted unless the party applying can produce a certificate of title to the lot on the records in the Recorder's office showing that the applicant is an owner of a lot. The Sexton shall not permit interment to be made in the cemetery until authorized to do so by the burial or disinterment permit provided for herein, which permit he shall keep on file. Any owner of a lot in the cemetery may be allowed the interment of the remains of a friend or other person not his family, without charging for the same, but to allow such interment for compensation is strictly forbidden.

CHAPTER 1

SIDEWALKS

SECTION:

- 9-1-1: Construction Specifications on Improved Streets
- 9-1-2: Construction Specifications on Unimproved Streets
- 9-1-3: Compliance with Charter Provisions

— 9-1-1: CONSTRUCTION SPECIFICATIONS ON IMPROVED STREETS: All sidewalks hereafter constructed in the City on improved streets shall be located abutting the property line, unless upon a special permit granted by the Commission. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of the street next preceding unless otherwise ordered by the Commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the Engineer.

— 9-1-2: CONSTRUCTION SPECIFICATIONS ON UNIMPROVED STREETS: Sidewalks constructed on unimproved streets may be constructed of concrete or wood, and shall be constructed according to lines and grades established by the Engineer and approved by the Commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

— 9-1-3: COMPLIANCE WITH CHARTER PROVISIONS: Any sidewalk in the City may be petitioned for and constructed as provided in Article 3 of the Charter.

— All sidewalks in the City shall be constructed, reconstructed or repaired as provided in Article 5, Sections 121, 122, 123 and 124 of the Charter.
(Ord. 1097; 3-3-26)

CHAPTER 2

RETAINING WALLS

SECTION:

- 9-2-1: Where Retaining Walls Required
- 9-2-2: Removal of Sliding Dirt
- 9-2-3: Failure to Comply; Notice
- 9-2-4: City May Construct; Lien

9-2-1: WHERE RETAINING WALLS REQUIRED: Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

9-2-2: REMOVAL OF SLIDING DIRT: It shall be the duty of the owner of any property as mentioned in Section 9-2-1, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

9-2-3: FAILURE TO COMPLY; NOTICE: If the owner of a lot or tract of land abutting upon an improved street, where the same requires a retaining wall to keep the earth from falling or sliding upon the sidewalk or into the street, fails or refuses to build such wall upon his own motion, the Street Superintendent shall post upon his lot or tract of land, a notice to the owner or agent, as the case may be, to build the same, and he shall file with the Recorder his affidavit that the notice was posted on the property, giving the time and place. If the owner lives upon the premises, then the notice as posted shall be sufficient, but in case he does not live upon the premises affected, or if he is a nonresident, then the Recorder upon receiving the affidavit of the Street Superintendent, shall mail a copy of the notice to the owner of the property, if known, or to the agent of the owner, if known, and directed to the post office address of the owner or agent, when the address is known to the Recorder, and if the post office address is unknown to the Recorder, the notice shall be directed to the owner or agent at Oregon City. No notice shall be required for the owner or agent to remove dirt

— from the sidewalk or out of the street as required in Section 9-2-2 hereof, and any owner or agent of any property failing to keep such dirt from the sidewalk or out of the street shall be deemed guilty of a misdemeanor.

— **9-2-4: CITY MAY CONSTRUCT; LIEN:** If, after the expiration of ten (10) days from the giving of the notice, the owner or agent be a resident, and twenty (20) days if he be a nonresident, the owner or agent fails, refuses or neglects to build such wall as required herein, the same may be built or repaired under the direction of the Street Superintendent; and the cost of the labor and materials required to build the same or to repair it, shall be reported by him to the Commission, together with a description of the lot or part of lot or tract of land upon which the wall is built, and such cost shall constitute a lien upon the lot or tract of land affected, and shall be collected in like manner as assessments for street improvements. (Ord. 511; 3-15-11)

CHAPTER 3

PARKINGS

SECTION:

- 9-3-1: Planting of Trees in Parkings
- 9-3-2: Trimming Trees Required
- 9-3-3: Grass to be Mowed
- 9-3-4: Trees in Parkings; When Removal Required

9-3-1: PLANTING OF TREES IN PARKINGS: All shade and ornamental trees that shall hereafter be planted or set out in the streets of the City shall be placed on a line in the center of the space known as the parking, between the curb and sidewalk line.

9-3-2: TRIMMING TREES REQUIRED: It is hereby made the duty of all property owners to properly trim and keep trimmed each year all shade and ornamental trees or plants of nine feet (9') above the curb stone and the sidewalk. It shall be the duty of every person to trim and keep trimmed all such trees in the street in the front of their premises, so that the same shall not interfere with the telephone or telegraph wires or police alarm systems or Fire Department fixtures of the City, or come in contact therewith.

9-3-3: GRASS TO BE MOWED: It is hereby made the duty of the owner and occupant of any such premises to keep the grass mowed in the parking at all times and to keep the sidewalk clean from leaves or other rubbish and dirt.

9-3-4: TREES IN PARKINGS; WHEN REMOVAL REQUIRED: Whenever in the opinion of the Engineer, the roots of any shade or ornamental tree in the streets have entered any sewer, lateral sewer or house connection in the streets and are stopping or retarding the flow of sewerage therein, or damaging the sewer, or damaging the curbs or sidewalks, the Engineer shall cause the tree to be girdled sufficiently to kill the same, and it shall be the duty of the property owner to remove the same. (Ord. 534; 8-9-11)

CHAPTER 4

EXCAVATIONS

— SECTION:

- 9-4-1: Excavations; Permit Required
- 9-4-2: Permit Restrictions
- 9-4-3: Restoration of Pavement

- 9-4-1: EXCAVATIONS; PERMIT REQUIRED: It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the Engineer a written permit so to do.
- 9-4-2: PERMIT RESTRICTIONS: The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
- 9-4-3: RESTORATION OF PAVEMENT: Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the Engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley. (Ord. 794; 11-29-16)

CHAPTER 5

OBSTRUCTIONS

SECTION:

- 9-5-1: Permit Required
- 9-5-2: When Obstruction Declared Nuisance
- 9-5-3: Use of Sidewalks for Produce

9-5-1: PERMIT REQUIRED: It shall be unlawful for any person to place, put or maintain an obstruction in any public street or alley in the City, without obtaining a permit from the Commission.

9-5-2: WHEN OBSTRUCTION DECLARED NUISANCE: The Commission may by resolution, declare any obstruction to a public street or alley in the City to be a nuisance, and may by such resolution, compel any person maintaining the obstruction, to remove the same from the street or alley, within a reasonable time, to be designated in the resolution. (Ord. 793; 11-29-16)

9-5-3: USE OF SIDEWALKS FOR PRODUCE: It shall be unlawful for any person to use the public sidewalks on Main Street between Tenth Street and Fifth Street for the purpose of sorting or cleaning vegetables or other produce upon the sidewalks or to sprinkle such vegetables or produce upon the sidewalks or to stand upon the sidewalks to sell such vegetables or produce.

Any person conducting the business of selling vegetables or other produce where water is used to keep the same fresh shall cause the containers of the vegetables or produce to be connected with the sewer so as to prevent the water from seeping from the vegetables or produce onto the sidewalk. (Ord. 1011; 7-2-24)

CHAPTER 6

NUMBERING OF BUILDINGS

— SECTION:

- 9-6-1: System of Numbering; Map
- 9-6-2: Base Line for Numbering
- 9-6-3: Placing of Numbers Required
- 9-6-4: Failure to Number

— 9-6-1: SYSTEM OF NUMBERING; MAP: There shall be a uniform system of numbering all houses, stores and other buildings, except sheds and outbuildings, erected or to be erected within the City, by placing on the door or door frame of the main entrance to the buildings as near thereto as practicable, its proper number as shown by the map and plan showing the system of numbering such buildings now on file in the office of the Recorder.

— The numbers shall be printed on the building, or on metal or glass or a metallic figure used at the option of the owner and so placed, as to be readily seen from the street. The figures designating the number, whether painted or otherwise, shall be not less than two inches (2") in height.

— 9-6-2: BASE LINE FOR NUMBERING: The base line or street for starting the numbering shall be Water Street for all streets running easterly and westerly and the base line for all streets running northerly and southerly shall be First Street.

— The numbers for all buildings on the northerly side of all streets running easterly and westerly shall be odd numbers commencing with the number 101, and the numbers for all buildings on the southerly side of all streets running easterly and westerly shall be even numbers, commencing with number 102. The numbers for all buildings on the westerly side of the streets running northerly and southerly shall be odd numbers commencing with number 101, and the numbers of all buildings on the easterly side of all streets running northerly and southerly shall be even numbers, commencing with number 102.

— 9-6-3: PLACING OF NUMBERS REQUIRED: Numbers in accordance with the map and plan now on file in the office of the Recorder shall be placed on each building within fifteen (15) days after the approval of this Chapter and each building hereafter erected within the City shall have placed on the street side thereof the number of the building in accordance with the provisions of this Chapter within fifteen (15) days after the completion thereof.

— 9-6-4: FAILURE TO NUMBER: Any owner of a building now erected or hereafter erected within the City or other person having custody and control of the building who shall refuse or neglect to cause to be placed thereon the number thereof in accordance with this Chapter shall be deemed guilty of a misdemeanor.

In addition to any penalty prescribed, the Commission shall have the power and authority to cause the number of the building to be placed thereon as hereinbefore set forth, the cost thereof to constitute a lien upon the property and to be entered and collected as any other lien. (Ord. 357; 8-15-06)

CHAPTER 7

WEEDS

SECTION:

- 9-7-1: Removal Required
- 9-7-2: Nuisance Declared
- 9-7-3: Investigations; Notice to Remove
- 9-7-4: Abatement; Hearing
- 9-7-5: Abatement by City; Lien
- 9-7-6: Payment for Removal; Reimbursement

9-7-1: **REMOVAL REQUIRED:** The owner or the agent of the owner of any lot or parcel of land, improved or unimproved, shall during the months of May, June, July, August and September of each year, cut and remove and keep cut and removed therefrom, all weeds, thistles, shrubs, ferns and other noxious vegetation and all grass more than six inches (6") high, and all dead brush, dead trees, shrubs and other things likely to cause fire, and during all months of the year remove and keep removed therefrom all stagnant water, filth, rubbish, waste material, old cans and any other substance which may endanger or injure neighboring property, passers by, or the health, safety and welfare of the public, and during all months of the year keep the sidewalk on streets abutting the property free from earth, rock and other debris, and from projecting or overhanging brush, bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. Nothing herein contained shall be considered to apply to brush, trees, shrubbery or other vegetation grown for food, fuel or ornament; providing, that the health and safety of the public is not endangered by the growth of such vegetation. Brush, bushes and limbs of all kinds shall be trimmed and cut back so that they shall not project over the sidewalk or roadway area to any extent, whether the same be grown for food, fuel or ornament; excepting that limbs may be allowed to project at an elevation of not less than eight feet (8') above the level of the sidewalk or ten feet (10') above the street.

9-7-2: **NUISANCE DECLARED:** Any person whose duty it is to remove such, and who fails to do so shall be subject to the penalty provided by Chapter 4, Title I of this Code. Any of the aforementioned things existing where there is a duty to remove the same shall constitute a nuisance.

9-7-3: **INVESTIGATIONS; NOTICE TO REMOVE:** Monthly investigation shall be made by the Chief of Police, and if any nuisance be found he shall file his report with the Manager describing the lot or tract of land on which the nuisance exists, and the Manager shall cause to be posted upon the property, liable for the abatement of the nuisance a notice in legible characters directing the removal of the nuisance, which notice shall be substantially in the following form:

(See form on following page)

NOTICE TO REMOVE NUISANCE

To the owner, agent of owner or occupant of the following described real property (here insert description of property by lot or by the street and number) in the City of Oregon City, Oregon.

You are hereby notified to remove and abate the nuisance existing on _____, within ten (10) days from the date of this notice, which nuisance consists of (here give general description of nuisance) or show to the Commission of the City of Oregon City that a nuisance does not exist. In case of failure to remove said nuisance within the stated time, the City of Oregon City will cause the same to be abated against the property herein described.

Date. (month, day and year).

City Recorder.

And he shall also at approximately the time of posting the notice cause the Recorder to be notified thereof and he shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the owner or agent of the owner of the real property directed to his last known post office address, or if the post office address shall be unknown to the Recorder, the notice shall be directed to the owner or agent at Oregon City, Oregon. A mistake in the name of the owner or agent, or a name other than the name of the true owner or agent of the property, shall not render void the notice but in such case posted notice shall be sufficient.

The person posting the notice and the person mailing the same shall file in the office of the Recorder a certificate stating the date and place of mailing and posting. Any employee of the City may be directed to post the notice.

9-7-4: ABATEMENT; HEARING: Within ten (10) days after the posting and mailing of the notice, the owner, agent of the owner, or occupant of any such property shall remove and abate the nuisance or show that no nuisance in fact exists. The showing may be made by the filing with the Commission a written statement that no nuisance exists on the property. Thereupon the Commission shall set a time for hearing and at the time set for hearing the person may appear and the Commission shall grant him a hearing and shall thereupon determine whether or not the nuisance exists. If it be determined by the Commission that the nuisance does exist the Manager shall proceed to abate the nuisance in the manner provided for in Section 9-7-4 of this Chapter.

9-7-5: ABATEMENT BY CITY; LIEN: If the owner, agent or occupant of the property shall fail, refuse, or neglect to remove the nuisance as in the notice provided within ten (10) days from the date of posting the notice, the Manager shall be authorized to cause the nuisance to be removed where the notice has been duly posted, as hereinbefore provided, and he shall keep an accurate account of the cost of the labor in removing the nuisance on each lot or parcel of land, and shall file a written report with the Recorder of the cost thereof and description of the lot or tract of land upon which the labor was expended.

The cost thereof, plus ten per cent (10%) additional to defray the cost of posting notice and mailing, shall constitute the cost of the removal of the nuisance. Upon the receipt of the statement the Recorder shall forward to the owner or the agent of the owner, of the property therein mentioned, a notice setting forth the expense incurred, and stating that the Commission proposes to assess against his property the amounts mentioned in the statement, and that objections to the proposed assessment may be made in writing and filed with the Recorder on or before twenty (20) days from the date of mailing the notice. Upon the expiration of twenty (20) days, objections to the proposed assessment will be heard and determined by the Commission, and the expense so incurred shall by ordinance be declared, and the assessment shall be entered in the docket of City liens, and upon such entry the same shall constitute a lien upon the property from which the nuisance was removed and abated, and shall be collected and foreclosed as in the Charter provided for the collection and foreclosure of City liens for street and sewer improvements and shall bear interest at the rate of six per cent (6%) from the date of entry in the lien docket.

9-7-6: PAYMENT FOR REMOVAL; REIMBURSEMENT: Money for the removal of any nuisance as in this Chapter described may at the discretion of the Commission be advanced from the General Fund to be reimbursed by the special assessment when collected. (Ord. 1128; 7-19-26)

CHAPTER 8

MOUNTAIN VIEW CEMETERY

SECTION:

- 9-8-1: Cemetery Named
- 9-8-2: Commission to Promulgate Rules
- 9-8-3: Sexton to Keep Register; Prepare Graves
- 9-8-4: Payment for Lots; Title
- 9-8-5: Price of Lots
- 9-8-6: Certificate and Permit Required for Burial
- 9-8-7: Injury to Cemetery Property

9-8-1: CEMETERY NAMED: The grounds now included and used by the City for cemetery purposes shall be known as "Mountain View Cemetery."

9-8-2: COMMISSION TO PROMULGATE RULES: The cemetery will be governed by rules and regulations approved by the Commission, a copy of which may be obtained at the office of the Recorder, or at the cemetery, from the Sexton.

9-8-3: SEXTON TO KEEP REGISTER; PREPARE GRAVES: It shall be the duty of the Sexton to keep a register in which shall be recorded the name of the deceased, date of death, date of interment, number of lot, block and grave in which interment has been made; in case of disinterment the name of the person whose remains are removed, date of disinterment and number of the permit allowing same. It shall be his duty to prepare all graves and shall attend to all of the duties appertaining to his office at the interment of bodies. It shall also be his duty to disinter all bodies upon proper application purpose only. Where persons have acquired title to a lot prior to the time when there were laws regulating the sale of lots, the record shall so state in the space reserved for price of lot.

9-8-4: PAYMENT FOR LOTS; TITLE: Upon payment being made to the Recorder of the price of lot selected, he shall give to the person making payment, a certificate of title to the same. The Recorder shall upon application being made give a burial permit to the owners of lots, but in no case shall a permit be granted unless the party applying can produce a certificate of title to the lot on the records in the Recorder's office showing that the applicant is an owner of a lot. The Sexton shall not permit interment to be made in the cemetery until authorized to do so by the burial or disinterment permit provided for herein, which permit he shall keep on file. Any owner of a lot in the cemetery may be allowed the interment of the remains of a friend or other person not his family, without charging for the same, but to allow such interment for compensation is strictly forbidden.

- provision of this Chapter, who shall fail or neglect to comply and perform what is necessary to be done in the premises within ten (10) days of the date of the notice shall be considered as waiving further notice, and the poles, wires and cables shall be removed by the Engineer at the expense of the persons without further notice or action. (Ord. 1099; 3-3-26)
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CHAPTER 10

SUBDIVISION REGULATIONS

SECTION:

- 9-10-1: Procedure
- 9-10-2: Definitions
- 9-10-3: General Requirements; Minimum Standards
- 9-10-4: Preliminary Plan
- 9-10-5: Final Plan
- 9-10-6: Submissions with the Final Plan
- 9-10-7: Approval of the Final Plan

9-10-1: PROCEDURE: Pursuant to the Oregon State Laws, Title 95, Chapter 23, O. C. L. A., Municipal Corporations entitled "City Planning Commissions," any person wishing to make a subdivision of land in or within six (6) miles of the City as the City nearest the land area having a Planning Commission, shall first submit plans for the subdivision of land to the Planning Commission for study and approval. The study and approval of subdivisions is necessary in order that this City may secure and provide for the proper arrangement of streets, ways or other highways in relation to existing or planned streets, ways or highways and to the Comprehensive Plan for the physical development and improvement of the City; also to insure and provide adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation light and air and to prevent unnecessary congestion of people on the land.

When any person contemplates a subdivision of land it is advisable that he discuss this matter with the office of the Planning Commission before any plans are drawn.

After such discussion and after securing a copy of these regulations there should be prepared a Preliminary Plan of the subdivision in accordance with Sections 3 and 4 of these regulations. The Preliminary Plan is submitted to the Planning Commission with a written application for its tentative approval. Changes may be necessary in this Preliminary Plan before it can be tentatively approved. If the Preliminary Plan is rejected, the Planning Commission will give its reasons for the rejection. Approval of the Preliminary Plan is a tentative approval and does not constitute a final acceptance of the plat. Tentative approval of the Preliminary Plan will be given by a letter from the Planning Commission and not by notation on the Preliminary Plan. Such tentative approval will be given by the Planning Commission within thirty (30) days after submission of the Preliminary Plan and this tentative approval shall become null and void if a Final Plan in accordance with the requirements set forth in Sections 3 and 5 is not submitted within six (6) months after the date of the tentative approval of the Preliminary Plan.

The Final Plan for the subdivision shall be submitted to the Planning Commission and shall be an accurate plan for official record prepared by a registered civil engineer and in accordance with the regulations set forth in Sections 3 and 5 of these regulations. This Final Plan will be given study by the Planning Commission

and the Engineer and changes may be requested before its approval by the Planning Commission. If the Final Plan is rejected, the Planning Commission will give its reasons for the rejection. Approval of the Final Plan by the Planning Commission will be indicated in writing on the original of the Final Plan.

When the Final Plan is approved by the Planning Commission it will immediately be sent to the Commission for its approval.

After approval of the Final Plan by the City this approval shall be null and void if the Final Plan is not recorded by the County Recorder within thirty (30) days of such approval.

9-10-2: **DEFINITIONS:** For the purpose of these regulations, certain words used herein are defined, as follows:

SUBDIVISION: The word "Subdivision" shall mean the division of a lot, tract or parcel of land into two (2) or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines.

PLAT: The word "Plat" shall mean the map, drawing or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.

MAJOR STREET: The term "Major Street" shall mean a highway of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

SECONDARY STREET: The term "Secondary Street" shall mean a highway supplementary to the major highway system and primarily a means of intercommunication between this system and smaller areas (or among smaller areas).

MINOR STREET or LOCAL STREET: The terms "Minor Street" or "Local Street" shall mean a highway primarily for access of abutting properties.

ALLEY: The word "Alley" shall mean a very minor highway primarily for service access to the back or side of properties abutting also on other highways.

DEAD END STREET or CUL-DE-SAC: The terms "Dead End Street" or "Cul-de-Sac" shall mean a minor highway with only one (1) outlet.

STREET WIDTH: The term "Street Width" shall mean the shortest distance between the lines which delineate the right-of-way of a street.

ROADWAY: The word "Roadway" shall mean the portion or portions of a street or way available for vehicular traffic or in other words the portion or portions between curbs where curbs are laid.

CURB LINE: The term "Curb Line" shall mean the line dividing the roadway from the footway and/or planting strip.

BUILDING LINE: The term "Building Line" shall mean a line on a plat indicating the limit beyond which buildings or structures may not be erected.

MASTER PLAN: The term "Master Plan" shall mean the comprehensive plan made by the Planning Commission for the guidance of growth and the improvement of the City and which indicates the general locations recommended for the various functional classes of public works, places and structures (streets, parks, transportation facilities and public buildings).

OFFICIAL MAP: The term "Official Map" shall mean the map on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition or building restrictions.

9-10-3: GENERAL REQUIREMENTS; MINIMUM STANDARDS: The following are the minimum requirements and standards that a subdivision plat must conform to for approval:

- (A) **Conformity to the Master Plan or Map:** The subdivision shall conform to and be in harmony with the Master Plan, the Official Plan or Map and especially to the Major Street Plan.
- (B) **Relation to Adjoining Street System:** A subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical exception may be made. In cases where the Planning Commission itself adopts a plan or plat of a neighborhood or area of which the subdivision is a part the subdivision shall conform to such adopted neighborhood or area plan.

Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

Where a tract is subdivided into lots of an acre or more, the Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street and other requirements specified in these regulations.

- (C) **Access:** There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed in the City under conditions approved by the Planning Commission. The subdividing of the land shall be such as to provide each lot, by means of either a public street or way or permanent easement, with satisfactory access to an existing public highway or to a thoroughfare as shown in the Major Street Plan, the Master Plan or an official map.

- (Q) Duplication of Names: The name of the proposed subdivision shall not duplicate the name of any other area within the City. A street name shall not duplicate the name of any other street or way within the City.
- (R) Tree Planting: Tree planting plans for a subdivision must be submitted to the Planning Commission and receive its approval before the planting is begun.
- (S) Public Open Spaces: Due consideration shall be given by the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use or reserved for the common use of all property owners within the subdivision by covenants in the deeds. Public open spaces shall conform to the Master Plan of the City. Park and recreation areas should constitute at least five per cent (5%) of the area of the City and these areas so placed as to be within easy walking distance of all dwelling units. Each area and neighborhood should contain its proportionate share of the City park and recreation area and be provided for in the detailed planning of every area in conformity to the City's Master Plan.

9-10-4: PRELIMINARY PLAN: In seeking to subdivide land, the owner shall submit to the Planning Commission an application, in writing, for the tentative approval of the Preliminary Plan together with two (2) prints of this Preliminary Plan.

- (A) Vicinity Sketch: If the Preliminary Plan does not show the following information a Vicinity Map or Key Map should accompany or be drawn on the Preliminary Plan at a small scale (four hundred feet (400') to the inch) showing all existing subdivisions, street and tract lines of acreage parcels together with the names of the record owners of parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.
- (B) Conformity to General Requirements: The Preliminary Plan shall conform to Section 9-10-3.
- (C) Preliminary Plan: The scale of the Preliminary Plan shall not be more than one hundred feet (100') to the inch and shall show:
 1. The proposed name of the subdivision.
 2. Northpoint, scale and date.
 3. Names and addresses of the subdivider and of the engineer, surveyor, or land planner or landscape architect.
 4. The tract designation or other description according to the real estate records of the County Auditor.
 5. The boundary line (accurate in scale) of the tract to be subdivided.

6. Contours with intervals of five feet (5') or less referred to City datum.
7. The names of adjacent subdivisions or the names or record of owners of adjoining parcels of unsubdivided land.
8. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features, such as section lines, political subdivision or corporation lines and school district boundaries.
9. The location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections.
10. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purpose of conditions or limitations of such reservation, if any.
11. The layout, names and widths of proposed streets, alleys and easements. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradients.
12. When required by the Planning Commission the Preliminary Plan shall be accompanied by profiles showing existing ground surface and proposed street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; all elevations shall be based upon City datum.
13. The layout, numbers and approximate dimension of proposed lots. Where lots are to be used for other purposes than residential it shall be indicated in such lots.
14. Parks, playgrounds, recreation areas, boulevards, parkways and open spaces for public use.
15. Zoning districts as set forth in the Zoning Title.
16. The location of any proposed plantings.

(D) Tentative Approval of Preliminary Plan: The Planning Commission shall by letter express its tentative approval or disapproval of the Preliminary Plan within thirty (30) days of the date it was submitted and no indication of approval shall be put on the plan. When the Planning Commission rejects the Preliminary Plan it shall state its reasons for such rejection. Tentative approval of the Preliminary Plan is null and void if the Final Plan is not submitted to the Planning Commission within six (6) months after tentative approval of the Preliminary Plan.

— **9-10-5:** FINAL PLAN: The Final Plan shall be submitted to the Planning Commission in the form of an original tracing or tracing cloth, or the mounted paper drawing required by law for plats of record, together with two (2) prints or copies thereof. The Final Plan shall conform to Section 9-10-3, general requirements and minimum standards of design and development.

The Final Plan shall be drawn to a scale, preferably not more than one hundred feet (100') to an inch, and shall show:

- (A) Name of subdivision.
- (B) Name and address of subdivider.
- (C) Northpoint, scale and date.
- (D) The boundary lines with accurate distances and bearings, the exact location and width of all existing or recorded streets and ways intersecting the boundary of the tract.
- (E) True bearings and distances to the established street lines or official monuments, which shall be accurately described on the plat; Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distances and bearings.
- (F) An accurate location of the subdivision in reference to the real estate records of the County including names of adjacent record owners of property.
- (G) Streets, alleys and ways together with their names.
- (H) The length of all arcs, radii, internal angles, points of curvature, length and bearings of the tangents.
- (I) All easements for right-of-way provided for public services or utilities and any limitations of the easements.
- (J) All block indications, lot numbers and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
- (K) The accurate location, material and size of all monuments. Monuments to meet the specifications of the Engineer.
- (L) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
- (M) Zoning districts as set forth in the Zoning Title.
- (N) Private restrictions:
 1. Boundaries of each type of use restrictions.
 2. Other private restrictions for each definitely restricted section of the subdivision.

- (O) Certification by a registered professional civil engineer or surveyor to the effect that the plan represents a survey made by him and all the monuments shown thereon actually exist and that their location, size and material are correctly shown.
- (P) Certification of approval of the Engineer of all locations, grades and dimensions of the plat.
- (Q) Dedication of all streets, alleys, ways, easements, parks and lands for public use as shown on the plat and as required by the City.

9-10-6: SUBMISSIONS WITH THE FINAL PLAN: The following items shall be submitted with the Final Plan:

- (A) Certificate of Title showing ownership of the land and also written proof that all taxes on the tract are paid to date.
- (B) A profile of each street with the grades shown thereon.
- (C) If any or all of the following improvements are to be performed by the subdivider the following shall accompany the Final Plan:
 1. Cross sections of the proposed streets showing widths of roadways, types of surfacing, curb locations and width and location of sidewalks.
 2. Plan and profiles of the proposed sanitary, storm water or combined sewers, with grades, pipe sizes and the location of manholes indicated.
 3. Plan and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.
 4. Specifications of all proposed roadways, curbs, sidewalks, sewer and water pipes.

9-10-7: APPROVAL OF THE FINAL PLAN: Approval of the Final Plan shall be indicated by the signatures of the Engineer and the President of the Planning Commission on the plat of record on the Final Plan.

The approval of the Final Plan by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street, or other proposed public way or space shown on the plat.

Approval of the Final Plan by the Planning Commission shall be null and void if the plat is not recorded within thirty (30) days after the date of approval, unless application for an extension of time is made in writing during said thirty (30) day period to the Planning Commission and granted. (Ord. 1383; 5-8-52)

TITLE X

TRAFFIC

Subject	Chapter
Adoption of Traffic Regulations	1
Miscellaneous Traffic Rules	2
Parking Meter Regulations	3
Drunken Driving	4
Commercial Parking	5
Congested Traffic District Restrictions	6

CHAPTER 1

ADOPTION OF TRAFFIC REGULATIONS

SECTION:

10-1-1: Adoption of State Vehicle Laws

10-1-1: ADOPTION OF STATE VEHICLE LAWS: Chapter 481, Motor Vehicle Registration and Licensing, Dealers, Wreckers and Transporters; Chapter 482, Operator's and Chauffeur's Licenses; Chapter 483 (except Subsection (2) of 483.992) Motor Vehicle Traffic Equipment and Construction, and Chapter 485, School Busses, all under Title 39, Oregon Revised Statutes are hereby adopted by reference and made a part of this Chapter and govern the use and operation of vehicles upon the roads, streets and alleys of the City, the licensing and registration of motor vehicles; licensing the operators and chauffeurs thereof and licensing dealers, wreckers and transporters, and governing the operation of motor vehicles while passing school busses within the City Limits. (Ord. 1471; 12-2-59)

O. R. S. 98.810 to 98.818 prohibiting unauthorized parking of motor vehicles on private property and authorizing the towage and storage of said vehicles and providing for civil remedies, together with all amendments which are now or hereafter may be enacted is hereby adopted by reference and made a part of this Chapter, and shall govern the parking regulation and operation of motor vehicles within the City Limits. (Ord. 1407; 12-2-53)

All acts which are made unlawful by the Motor Vehicle Laws in the foregoing Chapters shall be considered as offenses against the City when committed within its boundaries and shall be punished by the general penalties provided by this Code. (Ord. 1471; 12-2-59)

CHAPTER 2

MISCELLANEOUS TRAFFIC RULES

SECTION:

- 10-2- 1: Definitions
- 10-2- 2: U-Turns
- 10-2- 3: Vehicles in Motion; Right-of-Way
- 10-2- 4: Sleds Behind Cars
- 10-2- 5: Removing Glass and Debris After Accidents
- 10-2- 6: Cleats and Spikes on Wheels
- 10-2- 7: Damaging Curbs
- 10-2- 8: Parades and Processions
- 10-2- 9: Method of Parking
- 10-2-10: Parking Time Limits
- 10-2-11: Double Parking
- 10-2-12: Prohibited Parking Areas
- 10-2-13: Manager to Place Signs and Markings
- 10-2-14: Existing Signs
- 10-2-15: Jay Walking
- 10-2-16: Abandoned Vehicles
- 10-2-17: Owner of Vehicle Responsible
- 10-2-18: Unlawful Parking

10-2-1: **DEFINITIONS:** In addition to the definitions contained in Chapter 483, O. R. S., the following words and phrases when used in this Title shall have the following meanings except where the context clearly indicates a different meaning:

LOADING ZONE: The term "Loading Zone" shall mean that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

PARKING: The word "Parking" shall mean to stop and stand, with or without a driver, or to leave a motor vehicle upon any street, alley, or public place in this City.

HIGHWAY: The word "Highway" shall be deemed to include all streets and alleys in the City.

10-2-2: **U-TURNS:** It shall be unlawful for any person to reverse the direction of any motor vehicle upon any street in the City except at street intersections; provided, however, that no reverse turn shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn.

10-2-3: VEHICLES IN MOTION; RIGHT-OF-WAY: The driver of any vehicle approaching from the rear of a stopped or parked vehicle shall have the right-of-way over any such stopped or parked vehicle and the driver or owner of any such stopped or parked vehicle shall be liable and responsible for any damage caused by a collision by reason of the stopped or parked vehicle moving out of position before the way is clear and before any vehicle having the right-of-way has passed; provided, however, that if the approaching vehicle is being operated or driven in any manner constituting a violation of any provision of this Title, the driver or owner of the approaching vehicle shall forfeit all claim to the right-of-way and shall be held responsible for any accident arising from such violation.

10-2-4: SLEDS BEHIND CARS: It shall be unlawful for any person to attach or tie to any motor vehicle which is operated on the streets of the City any sled, toboggan, or similar contrivance or thing, and it shall be unlawful for the operator of any motor vehicle to permit any sled, toboggan, or similar contrivance or thing to be attached or tied to any motor vehicle being driven by the operator; provided, that the provisions of this Section shall not apply to trailers, bus trailers, or pole or pipe dolly, nor to cars being towed, when the same are attached or towed in accordance with the provisions of this Title.

10-2-5: REMOVING GLASS AND DEBRIS AFTER ACCIDENTS: Any party to a collision or other motor vehicle accident upon any street in the City shall immediately remove or cause to be removed from the street all glass and foreign substance resulting from such collision or accident as well as the motor vehicle which the party was driving at the time of the collision or accident.

10-2-6: CLEATS AND SPIKES ON WHEELS: No tire on any motor vehicle or any other vehicle, unless such vehicle be actually engaged at the time in construction or repair work on the public streets, shall have on the periphery of its wheels any block, stud, cleat, bead, or any other protuberance of metal which projects beyond the tread or traction surface of the tire.

10-2-7: DAMAGING CURBS:

- (A) It shall be unlawful for any person to place any dirt, wood, or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.
- (B) It shall be unlawful for any person to remove or damage in any way any portion of any street curb without first obtaining written permission from the Manager.
- (C) Any person wishing to move any heavy thing such as a building, excavating machine, or well-drilling equipment over or upon a street curb shall first obtain a written permit from the Manager and shall be held responsible for any and all damage to same.

10-2-8: PARADES AND PROCESSIONS: During parades the police may clear the streets and prohibit vehicles and pedestrians from crossing the streets. No pedestrian or vehicle shall break through the line of a funeral procession.

10-2-9: METHOD OF PARKING:

- (A) Whenever any motor vehicle is parked upon any street in the City it shall be headed as though proceeding upon the right side of the street.
- (B) Motor vehicles shall be parked parallel with the curb where such parallel parking is indicated by a painted stripe or other marking upon the pavement approximately seven feet (7') out from and parallel with the street curb, and the entire vehicle shall be within such painted stripes or other marking.
- (C) Where no mode of parking is indicated by such painted stripe or other marking, any and all vehicles parked in any unmarked area shall be parked parallel with the street curb and with the tires or wheels on the right-hand side of such vehicle, within twelve inches (12") of the curb.
- (D) Whenever the owner or driver of a vehicle discovers that the vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, he shall immediately remove the vehicle from such area.

10-2-10: PARKING TIME LIMITS:

- (A) The lawful time allowed for parking vehicles other than motor trucks engaged in the actual loading or unloading of freight or merchandise shall, in any section of any street, be as indicated by lettering upon the face of painted signs placed at the top of standards placed along the curb line of any section of any street, or by parkingmeters. Such time limits and the indication thereof may be changed from time to time by resolution. The time limits shall mean the aggregate of time of all parking of any one (1) vehicle within any one (1) block and shall not exceed the time limit posted.
- (B) Such time limits shall not apply on Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving or Christmas.

10-2-11: DOUBLE PARKING: No person shall "double park" any vehicle or park on the road side of any vehicle parked at the edge or curb of any street.

10-2-12: PROHIBITED PARKING AREAS: In addition to the areas where parking is prohibited by the State Motor Vehicle Laws, parking is prohibited in the following areas and places:

- (A) Within any area marked off by traffic markers or by yellow or orange stripes painted upon the street curb and pavement or upon the street curb only, indicating a loading zone, safety zone, crosswalk or pedestrian lane, fire hydrant, theater entrance or exit, police station, fire station, or when "no parking" signs are posted for any other purpose designated by such official markings.

- (B) It shall be unlawful for any person to park, or cause to be parked, any truck, trailer, or large commercial vehicle in or on any street, alley, sidewalk, or parking strip in areas where no mode of parking is indicated by signs, markings, or parking meters for a longer period of time than three (3) hours at any one (1) time unless said equipment is being used for some purpose in connection with the property immediately in front of which the vehicle is parked.
- (C) It shall be unlawful for any person to park, or cause to be parked, any vehicle of any kind, other than those enumerated in Subsection (B) above, in or on any street, alley, sidewalk or parking strip in Oregon City for a longer period of time than ten (10) hours at any one time. It being intended hereby to prohibit the use of any street, alley, sidewalk or parking strip for the use of any vehicle in lieu of a garage or carport. (Ord. 1556; 11-23-64)

10-2-13: MANAGER TO PLACE SIGNS AND MARKINGS: Subject to the approval of the Commission by resolution, the Manager may:

- (A) Designate stop streets.
- (B) Designate crosswalks, safety zones, and traffic lanes.
- (C) Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited, and install additional parking meters as required, the operation and use thereof, to be governed by Chapter 3 of this Title.
- (D) Direct the placing and maintenance of such traffic signs, markers, and signals as may be reasonable or necessary to carry the above powers into effect and for the regulation and safety of traffic.
- (E) Exercise a general supervision over the administration and enforcement of all traffic regulations.
- (F) Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view for traffic, and order the removal or alteration of any signs, fences, or other objects along streets and highways that are an obstruction of the view for traffic.

10-2-14: EXISTING SIGNS: All official traffic signs, signals, and markers existing at the time of the adoption of this Chapter, shall be considered official under the provisions of this Chapter; provided, however, that the Commission may by resolution at any time have any such official traffic signs, signals, or markers removed or changed; and provided, further, that any additional official traffic signs, signals, or markers erected, installed, or painted shall first be authorized by resolution by the Commission.

10-2-15: JAY WALKING: It shall be unlawful for any pedestrian to cross any of the streets in the City, at any other place than the regular intersection crossing in line with the property line of the street, upon an area which would be covered by the sidewalk if extended. (Ord. 1349; 1-7-48)

10-2-16: ABANDONED VEHICLES: Any vehicle parked upon a public street at a place in a manner or for a length of time prohibited by this Title is, if unoccupied, hereby declared to be an obstruction in the street and a public nuisance and any police officer of the City is hereby authorized to cause the same to be removed to, and impounded in, the depository provided by the City for such purpose or a public garage or storage. (Ord. 1359; 4-18-49)

10-2-17: OWNER OF VEHICLE RESPONSIBLE: In any prosecution charging a violation of any provision of this Code governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of the vehicle, shall constitute in evidence a *prima facie* presumption that the registered owner of the vehicle was the person who parked or placed such vehicle at the point where and for the time during which, such violation occurred. (Ord. 1370; 12-6-50)

10-2-18: UNLAWFUL PARKING: It shall be unlawful for any person, to park, or cause to be parked, any vehicle of any kind at any time in or on any street, alley, sidewalk or parking strip of the City, for the purpose of storing, offering for sale, dismantling, wrecking, repairing or selling the same. (Ord. 1564; 2-3-65)

CHAPTER 3

PARKING METER REGULATIONS

SECTION:

- 10-3- 1: Vehicle Defined
- 10-3- 2: Authority to Install Meters
- 10-3- 3: Installation; Maintenance
- 10-3- 4: Deposit of Coins
- 10-3- 5: City May Enter Contract
- 10-3- 6: Meter Parking Hours
- 10-3- 7: Overtime Parking
- 10-3- 8: Two Hour Parking Limit
- 10-3- 9: Parking to be Parallel
- 10-3-10: Parking Lines and Markings
- 10-3-11: Overtime Parking Ticket
- 10-3-12: Slugs Prohibited
- 10-3-13: Injury to Meters
- 10-3-14: Disposition of Fees

10-3-1: VEHICLE DEFINED: The word "Vehicle" as used herein shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except those operated upon rails or trucks. (Ord. 1326; 11-15-45)

10-3-2: AUTHORITY TO INSTALL METERS: All parking meters shall be installed, continued, removed or rendered inoperative on the public streets and property in the City as the Commission may direct from time to time by Resolution.

10-3-3: INSTALLATION; MAINTENANCE: Limitations on maximum parking time, hours of operation and rates fixed for specified parking time, other than those set forth in this Chapter shall be designated and may be changed from time to time by the Commission by Resolution. (Ord. 1517; 10-23-62)

10-3-4: DEPOSIT OF COINS: Each parking meter shall be so designed as to display a signal showing legal parking upon the deposit of a legal coin of the United States for a period of time as provided for in this Chapter for the part of the street upon which the meter is placed.

The period of time for such parking and the amount of coin to be deposited in the meter shall be as follows:

- One cent (1¢) for a twelve (12) minute period.
- Two cents (2¢) for a twenty-four (24) minute period.
- Three cents (3¢) for a thirty-six (36) minute period.
- One (1) nickel (5¢) for a one (1) hour period.

Each meter shall by its device clearly set out and continue in operation from the time of depositing the coin until the expiration of the time fixed by ordinance as the parking limit for the part of the street upon which the meter is placed. Each meter shall also be so arranged that upon the expiration of the parking limit, it will indicate by a mechanical operation and the dropping of the proper signal that the lawful parking period as fixed by ordinance has expired.

10-3-5: CITY MAY ENTER CONTRACT: The City is hereby invested with power and authority to grant a permit or enter into a contract in the manner as prescribed by law for the purchase and/or installation of parking meters; and to provide payment for such meters and/or installation exclusively from the receipts, funds and revenues obtained by the City from the operation of the parking meters without in any way personally obligating the City to pay for same from any other source. The City is further authorized and empowered to enter into a contract for repairs and/or such parts of the parking meters as may be necessary to maintain same in good operating condition and to pay for such repairs and/or parts exclusively from the receipts, funds and revenues received from the operation of the parking meters. (Ord. 1326; 11-15-45)

10-3-6: METER PARKING HOURS: In all meter zones created by this Chapter and Chapter 2 the parking of vehicles between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. shall be in compliance with the provisions of this Chapter and Chapter 2 and payment of fees as herein provided, except on Sundays and all legal holidays set forth in 10-2-10. The parking of vehicles at all other hours and excepted days in the meter zones shall be made in compliance with other provisions of this Title applicable thereto. (Ord. 1545; 4-21-64)

10-3-7: OVERTIME PARKING: When any vehicle shall be parked in any space alongside of or next to which there is located a parking meter, the owner or operator of the vehicle shall upon entering the parking space immediately deposit a proper coin of the United States in the parking meter alongside of or next to the the parking space, and the parking space may then be used by such vehicle during the parking limit provided for the part of the street in which the parking space is located. If the vehicle shall remain parked in any such parking space beyond the parking limit fixed for such parking space, the parking meter shall display a sign showing illegal parking, and in that event, the vehicle shall be considered as parked overtime and beyond the time fixed for that part of the street where the meter is located shall be a violation of this Chapter and punished as hereafter provided. It shall be unlawful for any person to permit any such vehicle registered in his name to be parked overtime or beyond the lawful period of time as herein described.

10-3-8: TWO HOUR PARKING LIMIT: It shall be unlawful and an offense for any person to park a vehicle in the parking space alongside of or next to which a parking meter is placed in any event for a continuous period of time in excess of two (2) hours during the hours from 9:00 A.M. to 6:00 P.M. as set forth in Section 10-3-6 hereof.

It shall be unlawful and an offense for any person to permit a vehicle to remain or be placed in any parking space alongside of or next to which any parking meter is placed while the meter is displaying a signal showing that the vehicle shall have been already parked beyond the period of time fixed for such parking space.

10-3-9: PARKING TO BE PARALLEL: Any vehicle parked in any parking space in any parking meter zone shall be parked parallel with and not more than one foot (1') from the curb and with the head of the vehicle alongside of, or next to the parking meter alongside of the parking space.

10-3-10: PARKING LINES AND MARKINGS: The Manager or such officers or employees of the City as he shall select, shall place lines or marks on the curb or on the street alongside of each parking meter to designate the parking space of approximately twenty feet (20') for which the meter is to be used and each vehicle parking next to any parking meter shall park within the lines or markings so established. It shall be unlawful and an offense to park any vehicle across any such line or mark or to park said vehicle in any way, that the same shall not be within the area so designated by the lines or markings; provided, any vehicle of greater length than the space opposite such meter, or with trailer attached, may park within the adjoining meter spaces by depositing appropriate coins in both meter spaces. (Ord. 1371; 12-6-50)

10-3-11: OVERTIME PARKING TICKET: It shall be the duty of each traffic patrolman, or such other officer as shall be instructed by the Chief of Police, to make out a parking violation ticket for any vehicle overparked as provided in this Chapter and Chapter 2 herein, which ticket shall be made in duplicate and state the number of the meter and meter space at which any vehicle is overparked and the State vehicle license number of the vehicle and the day and hour of the offense. One of such tickets shall be placed on or in the vehicle, and the other delivered by the officer to the Police Station Headquarters.

Any person who shall violate the provisions of Sections 10-2-10, 10-3-7, 10-3-8, 10-3-9 or 10-3-10 shall be guilty of an offense, and shall be punished by a fine of two dollars (\$2.00), if payment thereof is made to the officer in charge of the Police Station on or before the day following the offense, and if payment of the fine is not made within the time as herein provided, or the person within said time expressly refuses to pay the two dollars (\$2.00) fine, then the offense shall be booked and complaint filed and warrant issued as in other offenses and the punishment for such offense in such case, upon conviction thereof shall be a fine of not to exceed twenty dollars (\$20.00) or imprisonment in the City Jail for a period not to exceed ten (10) days or by both such fine and imprisonment.

It being the intention of this provision that violations of Sections 10-2-10, 10-3-7, 10-3-8, 10-3-9 and 10-3-10 hereof shall not be booked or complaint issued if the fine for the violation be paid on the day or next succeeding day following the violation unless the person expressly refuses to pay the fine within said time. (Ord. 1544; 4-21-64)

10-3-12: **SLUGS PROHIBITED:** It shall be unlawful and an offense to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for any coin of the United States.

10-3-13: **INJURY TO METERS:** It shall be unlawful and an offense for any person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the terms of this Chapter.

10-3-14: **DISPOSITION OF FEES:** The fee required to be deposited as provided herein is hereby levied to cover the cost of inspection, installation, operation, control and use of the parking spaces and parking meters described herein, and involved in checking up and regulating the parking of vehicles in the parking meter zones created hereby, and other traffic and safety equipment and expense. (Ord. 1326; 11-15-45)

CHAPTER 4
DRUNKEN DRIVING

SECTION:

10-4-1: Drunken Driving
10-4-2: Drinking in Vehicle Prohibited

10-4-1: DRUNKEN DRIVING: It shall be unlawful for any person to, while being under the influence of intoxicating liquor, barbiturates or narcotic drugs, to drive any vehicle upon any highway, street or thoroughfare within the Limits of the City. (Ord. 1449; 12-19-58)

10-4-2: DRINKING IN VEHICLE PROHIBITED: It shall be unlawful for any person to consume alcoholic liquor while an occupant of a motor vehicle while such vehicle is parked or being driven on any street or highway in the City. (Ord. 1357; 3-2-49)

CHAPTER 5

COMMERCIAL PARKING

SECTION:

- 10-5-1: Service and Delivery Permits
- 10-5-2: Application for Permit
- 10-5-3: Form of Permit
- 10-5-4: Use of Permit; Restrictions
- 10-5-5: Display of Identification Card
- 10-5-6: Permit Fees
- 10-5-7: Violations; Fines

10-5-1: SERVICE AND DELIVERY PERMITS: Upon the receipt of the proper application the Recorder is hereby authorized to issue service or delivery permits and vehicle identification cards to businesses regularly using vehicles for the delivery of service or the delivery or pickup of merchandise. Such vehicle identification cards shall be issued for a specific motor vehicle in the manner hereinafter provided.

10-5-2: APPLICATION FOR PERMIT: Any person owning or operating a motor vehicle actually engaged in the regular delivery of service or the delivery or pickup of merchandise, and desiring a service or delivery permit and vehicle identification card shall make application on a form approved by the Commission, giving the number of vehicles regularly used in the delivery of service or the delivery or pickup of merchandise, the make, model, year, and license number of each such vehicle, the type of service rendered and any other information required by the Commission. The applicant shall accept full responsibility for any violation of the conditions of the permit by the driver of the vehicle using the identification card, and shall acknowledge before a Notary Public that the use of the vehicle identification card will not be permitted except as authorized hereby.

10-5-3: FORM OF PERMIT: Upon the approval of the application by the Manager, the Recorder shall issue service or delivery permit and identification card in substantially the following form:

Date Issued _____
Permit No. _____
Service or Delivery Permit and Identification Card
Permittee _____
Address _____
Type of Service or Delivery Rendered _____
Signature of Permittee _____
Make _____ Model _____
Year _____ License No. _____

-- This vehicle is authorized under authority of Title X, Chapter 5 of the City Code and pursuant to application under oath, subject to the provisions of said Chapter, to occupy a loading zone or a metered zone for a period not to exceed twenty (20) minutes, without payment of a meter fee; provided, an actual service is being performed or delivery or pickup of merchandise made.

This permit expires

Date _____

City Recorder of Oregon City, Oregon

— No service or delivery permit shall be issued for a period longer than one (1) year, although upon payment of the full amount of the fee hereinafter fixed, the Recorder may issue the service or delivery permit for a shorter period of time.

— **10-5-4: USE OF PERMIT; RESTRICTIONS:** Any person lawfully in possession of an identification card issued under authority of this Chapter shall be permitted to use the vehicle for which the card is issued and in which the card is properly displayed in loading zones and/or metered zones in the City as indicated upon the card, for a period not to exceed twenty (20) minutes while actually engaged in delivery of service or the pickup or delivery of merchandise.

— **10-5-5: DISPLAY OF IDENTIFICATION CARD:** It shall be the duty of any person lawfully in possession of an identification card issued under authority of this Chapter to fasten the card to the face of the adjustable sun visor in front of the driver's seat of the vehicle to which the card is issued, and to display the same by turning the said sun visor down against the windshield whenever said vehicle is parked in a loading zone or metered zone, while making a delivery of service, or the pickup or delivery of merchandise. If the vehicle is not equipped with an adjustable sun visor, then the card shall be placed while so parked upon that part of the windshield where it would appear if the vehicle was so equipped. It shall be unlawful to display an identification card on any motor vehicle other than the one for which the card was issued. Any person issued a service or delivery permit and identification card as herein provided who shall not display the identification card while using a loading zone or metered zone while making a delivery of service or the pickup or delivery of merchandise or who shall display the card while using a loading zone or a metered zone when not engaged in making a delivery of service or the pickup or delivery of merchandise, shall forfeit such service or delivery permit and identification card, and the forfeiture shall be in addition to any other penalty imposed for conviction of violation of the terms of this Chapter. It shall be unlawful to display this card in any vehicle other than for which it is issued or to display it upon such vehicle at any time when not loading or unloading merchandise or delivering service and then not to exceed twenty (20) minutes.

— **10-5-6: PERMIT FEES:** The fee for each service or delivery permit and identification card shall be two dollars (\$2.00) for one (1) year or fraction thereof, payable to the Recorder, to cover the cost of issuing such card and the policing and enforcing of regulations applicable thereto, said fee to

accompany the application. Duplicate identification cards may be issued by the Recorder to replace lost or stolen cards upon showing satisfactory to the Recorder and upon the payment of a fee of fifty cents (50¢). Amended identification cards may be issued by the Recorder upon the receipt of application from the permittee to transfer the permit issued for a specific vehicle to another vehicle upon the payment of a fee of fifty cents (50¢).

10-5-7: VIOLATIONS; FINES: Any person who shall violate the provisions of Sections 10-5-4 and 10-5-5 shall be guilty of an offense, and shall be punishable by a fine of one dollar (\$1.00) if payment thereof is made to the officer in charge of the Police Station on or before the day following the offense and if payment of the fine is not made within the time herein provided, then the offense shall be booked and a complaint filed and warrant issued as in other offenses and the punishment for the offense in such case shall be a fine of not to exceed twenty dollars (\$20.00).

It being the intention of this provision that violations of Sections 10-5-4 and 10-5-5 hereof shall not be booked or complaint issued if the fine for such violation be paid on the day or next succeeding day following such violation.
(Ord. 1333; 6-5-46)

CHAPTER 6

CONGESTED TRAFFIC DISTRICT RESTRICTIONS

SECTION:

10-6-1: Congested Traffic District Designated
10-6-2: Street Sales Prohibited

10-6-1: **CONGESTED TRAFFIC DISTRICT DESIGNATED:** All that part of the City lying between the Southern Pacific Railway and the Willamette River, and between the south side of Fifth Street and the north side of Twelfth Street, is hereby declared to be a congested traffic district. (Ord. 1088; 2-18-26)

All that area designated and known as Pacific Highway East (99E) through the City, including turnouts, viewpoints and parking areas adjoining thereto, is hereby declared to be a congested traffic district. (Ord. 1365; 6-26-50)

10-6-2: **STREET SALES PROHIBITED:** It shall be unlawful for any person to sell, or offer to sell, any goods, wares or merchandise on any of the streets, alleys or sidewalks of the City, from any booth, wagon, truck or other vehicle or otherwise within a congested district in the City. (1088; 2-18-26)

TITLE XI

ZONING

Subject	Chapter
Zoning Definitions.....	1
Zoning Districts; Map	2
General Zoning Provisions and Exceptions.....	3
"R-1" One-Family Dwelling District.....	4
"R-1A" One-Family Dwelling District.....	5
"R-2" One-Family Dwelling District.....	6
"R-3" Two-Family Dwelling District.....	7
"R-4" Multiple Family Dwelling District.....	8
"C-1" Commercial District.....	9
"C-2" Commercial District.....	10
"B" Business District.....	11
"M-1" Light Industrial District...	12
"M-2" Heavy Industrial District..	13
Nonconforming Uses	14
Residential Neighborhood Unit Plan	15
Certificate of Occupancy.....	16
Interpretation; Enforcement.....	17
Off-Street Parking and Loading.....	18

CHAPTER 1

ZONING DEFINITIONS

SECTION:

11-1-1: Purpose
11-1-2: Definitions

11-1-1: PURPOSE: These regulations constitute a comprehensive plan designed to promote the health and general welfare; to promote adequate light and air; to secure safety from fire, panic and other dangers; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, public utilities, parks and other public requirements. These regulations encourage the preservation of property values and provide the most appropriate use of all land within the Municipality.

11-1-2: DEFINITIONS: Whenever the following words or terms are used in this Title they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto:

ACCESSORY BUILDING: The term "Accessory Building" shall mean a subordinate building the use of which is incidental to that of the main building or the premises.

ALLEY: The word "Alley" shall mean a public way which affords only a secondary means of access to abutting property.

APARTMENT HOTEL: The term "Apartment Hotel" shall mean a building or portion thereof containing guest rooms and suites of rooms or dwelling units.

APARTMENT HOUSE: The term "Apartment House" shall mean the same as "Dwelling, multiple".

AUTOMOBILE SERVICE STATION: The term "Automobile Service Station" shall mean a building or portion thereof and land used for dispensing automobile fuel, oil and accessories.

AUTOMOBILE AND TRAILER SALES AREA: The term "Automobile and Trailer Sales Area" shall mean an open, off-street area used for the display, sale or rental of new and used automobiles or trailers and where no repair work is done.

BASEMENT: The word "Basement" shall mean a story partly underground. A basement shall be counted as a story in building height measurement when more than one-half (1/2) of its height is above the average level of the adjoining ground.

BOARD: The word "Board" shall mean the "Board of Adjustment."

BOARDING HOUSE: The term "Boarding House" shall mean a dwelling other than a hotel, where meals or meals and lodging are provided for more than five (5) persons for compensation.

BUILDING: The word "Building" shall mean any structure having a roof supported by columns or walls for the housing, shelter and enclosure of persons, animals or chattels; when separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING, HEIGHT OF: The term "Building, Height of" shall mean the vertical distance measured from the mean grade of the adjoining curb to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to one-half (1/2) the vertical distance between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished yard grade along the front of the building.

CELLAR: The word "Cellar" shall mean a story having more than one-half (1/2) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of building height measurement.

COURT: The word "Court" shall mean an open unoccupied space other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by such building.

COURT APARTMENT: The term "Court Apartment" shall mean multiple dwellings arranged around two (2) or three (3) sides of a court opening upon a street or place approved by the Planning Commission.

DWELLING: The word "Dwelling" shall mean a building or portion thereof designed and used exclusively as the residence of one (1) or more families but not including hotels, tourist courts or motels.

DWELLING UNIT: The term "Dwelling Unit" shall mean two (2) or more rooms, bathroom and kitchen designed for and used as the living quarters of one (1) family.

DWELLING, ONE-FAMILY: The term "Dwelling, One-Family" shall mean a detached building designed for and used exclusively as the residence of one (1) family.

DWELLING, TWO-FAMILY: The term "Dwelling, Two-Family" shall mean a building designed for and used exclusively as the residence of two (2) families living independently of each other.

DWELLING, MULTIPLE FAMILY: The term "Dwelling, Multiple Family" shall mean a building or portion thereof designed for residential use and containing three (3) or more dwelling units.

— DWELLING, GROUP: The term "Dwelling Group" shall mean three (3) or more one-family or two-family dwellings not exceeding two and one-half (2-1/2) stories in height arranged upon a court opening on a street or place approved by the Planning Commission.

— DWELLING, ROW: The term "Dwelling, Row" shall mean a row of three (3) or more attached one-family dwellings not exceeding two and one-half (2-1/2) stories in height.

— FAMILY: The word "Family" shall mean people living as a household in the same living quarters, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

— FRONTAGE: The word "Frontage" shall mean all property fronting on one (1) side of a street and measured along the street line, between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a dead-end street or City boundary.

— GARAGE, PRIVATE: The term "Garage, Private" shall mean an accessory building, detached or a part of the main building, for the parking or temporary storage of automobiles belonging to the occupants of the premises.

— GARAGE, PUBLIC: The term "Garage, Public" shall mean a building or portion thereof, other than a private garage, used principally for the repair, equipping and care of automobiles and where such vehicles may be parked or stored for remuneration, hire or sale.

— HOME OCCUPATION: The term "Home Occupation" shall mean an occupation carried on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no audible sounds are heard beyond the premises, and there is no display, advertisement, or sign board except such signs as by this Title may be permitted in the district where the home or occupation is situated, including such occupations as dressmaking, lawyer, notary public, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling, and not more than one-half (1/2) of the floor area of one (1) story is devoted to such use. The occupation shall not be carried on in an accessory building of the residence.

— HOTEL: The word "Hotel" shall mean a building in which lodging or lodgings and meals are provided for guests for compensation and in which there are more than twelve (12) guest rooms; there being no cooking facilities in the guest rooms.

— LOADING SPACE: The term "Loading Space" shall mean an off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

— LODGING HOUSE: The term "Lodging House" shall mean a dwelling with not more than twelve (12) guest rooms where lodging is provided for compensation.

LOT: The word "Lot" shall mean a parcel of land occupied or intended to be occupied by a main building, or unit group of buildings and accessory buildings, together with yards and other open spaces required by this Title and having its principal frontage upon a street or officially approved way.

LOT, CORNER: The term "Lot, Corner" shall mean a lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR: The term "Lot, Interior" shall mean a lot other than a corner lot.

LOT OF RECORD: The term "Lot of Record" shall mean a lot which has been recorded as required by the Laws of the State, in the office of the County Recorder.

LOT, THROUGH: The term "Lot, Through" shall mean a lot having frontage on two (2) parallel or nearly parallel streets.

NONCONFORMING USE: The term "Nonconforming Use" shall mean a use which lawfully occupied a building or land at the time this Title became effective and which does not conform with the use regulations of the district in which it is located.

PARKING AREA, PUBLIC: The term "Parking Area, Public" shall mean an open, off-street area used for the temporary parking of more than three (3) automobiles and available for public use, with or without charge or as an accommodation for clients or customers.

PARKING SPACE: The term "Parking Space" shall mean a clear, off-street area for the temporary parking or storage of one (1) automobile, having an all weather surface of a width not less than eight feet (8'), a length of not less than twenty feet (20') and not less than seven and one-half feet (7-1/2') in height when within a building or structure; such parking space shall not be less than one hundred and eighty square feet (180 sq. ft.) in area and shall have easy access to a street or alley by a driveway having an all-weather surface.

PUBLIC UTILITIES AND SERVICES: The term "Public Utilities and Services" shall mean facilities for providing electric power, communication, water, sewers and transportation.

STABLE, PRIVATE: The term "Stable, Private" shall mean a detached accessory building for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit.

STABLE, PUBLIC: The term "Stable, Public" shall mean a stable other than a private stable.

STREET: The word "Street" shall mean a thoroughfare which provides the principal means of access to abutting property.

STORY: The word "Story" shall mean that part of a building between the surface of any floor and the surface of the floor next above it or if there be no floor above it then the space between the floor and the ceiling next above it.

- STORY, HALF: The term "Story, Half" shall mean a story which, by reason of a sloping roof, has not more than one-half (1/2) of the habitable space or room of the floor next below it.
- STRUCTURE: The word "Structure" shall mean anything built or constructed which requires location on the ground or which is attached to something having a location on the ground.
- STRUCTURAL ALTERATIONS: The term "Structural Alterations" shall mean any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- TOURIST COURT, MOTEL: The term "Tourist Court, Motel" shall mean a group of attached or detached buildings providing separate living quarters for individual or family automobile travelers and having attached garages or adjacent parking spaces.
- USE: The word "Use" shall mean the purpose that land, or a building or a structure now serves or for which it is occupied, maintained, arranged or designed.
- USE, ACCESSORY: The term "Use, Accessory" shall mean a use of land or a building which is incidental or subordinate to the principal use of the land or the main building.
- YARD: The word "Yard" shall mean an open space other than a court on the same lot with a building unoccupied or unobstructed from the ground upward except for usual building projections as permitted by this Title.
- YARD, FRONT: The term "Yard, Front" shall mean a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.
- YARD, REAR: The term "Yard, Rear" shall mean a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.
- YARD, SIDE: The term "Yard, Side" shall mean a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line to the main building.
(Ord. 1405; 4-20-54)

CHAPTER 2
ZONING DISTRICTS; MAP

SECTION:

11-2-1: Districts Established
11-2-2: District Map
11-2-3: Boundaries of Districts

11-2-1: DISTRICTS ESTABLISHED: For the purpose of this Title and to carry out these regulations, the City is hereby divided into ten (10) districts, known as:

- "R-1" One-Family Dwelling District
- "R-1A" One-Family Dwelling District
- "R-2" One-Family Dwelling District
- "R-3" Two-Family Dwelling District
- "R-4" Multiple - Family Dwelling District
- "C-1" Commercial District
- "C-2" Commercial District
- "B" Business District
- "M-1" Light Industrial District
- "M-2" Heavy Industrial District
(Ord. 1405 as amd. by Ord. 1474)

11-2-2: DISTRICT MAP: The foregoing Districts and their boundaries are shown on a map entitled "District Map" on file in the office of the Recorder and the Map and all designations and information shown thereon are hereby made a part of this Title, as if the Map, designation and information were fully described herein.

11-2-3: BOUNDARIES OF DISTRICTS: Where uncertainty exists with respect to any of the boundaries of the districts as shown on the District Map, the following rules shall apply:

- (A) Where the boundaries of the districts designated on the District Map are approximately streets or alleys, the center lines of the streets and alleys shall be construed to be the boundaries of such districts.

- (B) Where the boundaries of the districts designated on the District Map are approximately lot lines, the lot lines shall be construed to be the boundaries of the districts.
- (C) In unsubdivided property, the district boundary lines on the District Map shall be determined by use of the scale contained on the Map.
(Ord. 1405; 4-20-54)

CHAPTER 3

GENERAL ZONING PROVISIONS AND EXCEPTIONS

SECTION:

- 11-3-1: General Provisions
- 11-3-2: Public Parking Area
- 11-3-3: Height Exceptions
- 11-3-4: Area Exceptions

11-3-1: GENERAL PROVISIONS: Except as hereinafter provided:

- (A) No building or structure shall be erected, structurally altered, enlarged or moved nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the District in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by law and this Code.
- (B) No building or structure shall be erected, enlarged or structurally altered to exceed the height limit established for the District in which the building or structure is located.
- (C) No building or structure shall be erected, enlarged or moved on a lot unless the building or structure and also the lot conforms to the area regulations of the District in which the building or structure is located.
 - 1. No parcel of land of record at the time of the adoption of this Title shall hereafter be reduced in any manner below the minimum lot area, size or dimensions required by this Title.
 - 2. No lot area shall be so reduced or diminished that the yards, open spaces or total lot area be made smaller than required by this Title, nor shall the lot area per family be reduced in any manner except in conformity to the regulations of this Title.
 - 3. No yard or other open space now provided for any building or structure or hereafter provided in compliance with the regulations of this Title shall be considered as any part of a yard or open space for any other building or structure, nor shall any yard or open space of abutting property be considered as providing a yard or open space for a building or structure on the lot it abuts.
 - 4. No required yard shall include any premises dedicated, reserved or set aside for street purposes, except as provided in this Title.

A building and an accessory building shall be construed to mean the main building and its subordinate building on the same lot. (Ord. 1405; 4-20-54)

— All territory which may hereafter be annexed to the City shall automatically become an "R-1" One-Family Dwelling District until the Planning Commission shall make a thorough study of the new City area and report the recommendation for the final district classification to the Commission. This study and report shall be made within ninety (90) days after this annexation. However, in annexation proceedings consented to by the property owner designation may be made in the petition and consent for annexation of the district which shall apply to the property and the designation shall be effective immediately upon annexation, said notice of annexation proceedings, however to contain designated districts in case of said designation no study or report will be required.
(Ord. 1500; 10-4-61)

— 11-3-2: PUBLIC PARKING AREA: Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows:

- (A) Such areas shall be surfaced with a permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty inches (30") in height nor more than six feet (6') in height. The wall, fence or hedge shall not enclose any required front yard nor any required side yard on the street side of a corner lot. Any required front yard or side yard on the street side of a corner lot shall be developed and maintained as a grass lawn. Where the public parking area abuts an "R" District the required wall, fence or evergreen hedge shall not be less than six feet (6') in height and where a wall or fence is built there shall be a six foot (6') width of heavy tree and shrub screen planting on the "R" District side of the wall or fence.
- (B) Where a public parking area or automobile and trailer sales area is illuminated, the lights shall be fixed to reflect light away from adjoining premises in dwelling districts.

— 11-3-3: HEIGHT EXCEPTIONS:

- (A) Dwellings; Three Stories: In districts limiting the height of buildings to two and one-half (2-1/2) stories or thirty-five feet (35'), dwellings may be erected to a height of three (3) stories or forty-five feet (45'); provided each side yard is increased one foot (1') in width for each one foot (1') such dwelling exceeds two and one-half (2-1/2) stories or thirty-five feet (35').
- (B) Schools, Libraries, Churches, Colleges; Three Stories: In districts limiting the height of buildings to two and one-half (2-1/2) stories or thirty-five feet (35'), public schools, public libraries, churches, colleges and universities, when permitted in such districts, may be erected to a height of three (3) stories or forty-five feet (45'); provided the side yards required by Sub-section (A) of Section 11-3-4 are provided.
- (C) Schools, Colleges, Institutions; Six Stories: In districts limiting the height of buildings to four (4) stories or fifty feet (50') public schools, colleges, universities, hospitals, sanitariums, educational and philanthropic institutions, when permitted in such districts, may be erected to a height of six

(6) stories, or seventy-five feet (75') when six inches (6") is added to each side yard, as required by Subsection (A) of Section 11-3-4, for each one foot (1') the building exceeds four (4) stories or fifty feet (50').

- (D) **Structures, Above Height Limits:** Towers, steeples, flagpoles, smokestacks, silos, grain elevators, water tanks, skylights, fire or parapet walls and necessary roof structures housing elevators, stairways, tanks, fans and ventilators may be erected above the required height limits of the district in which they are located provided no useable floor space is provided in the structures above the required height limits.
- (E) **Accessory Buildings:** Accessory buildings in Dwelling Districts shall not exceed one (1) story or fourteen feet (14') in height and shall not be used for dwelling purposes.
- (F) **Through Lots:**

1. On through lots one hundred and fifty feet (150') or less in depth, the height of a building may be that permitted on either street.
2. On through lots more than one hundred and fifty feet (150') in depth the height regulations for the street permitting the greater height shall not extend more than one hundred and fifty feet (150') from that street.

11-3-4: AREA EXCEPTIONS:

- (A) **Side Yards For Schools, Churches and Institutions:** Public schools, public libraries, churches, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, nursing homes, educational and philanthropic institutions hereafter built in any "R" District shall provide a side yard on each side of the building of not less than twenty feet (20') in width.
- (B) **Side Yard Regulations:** For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached two-family dwelling, four-family dwelling and row houses.

(C) Yards for Group Buildings:

1. In the case of group buildings on one (1) site, including institutions and dwellings, the yards on the boundary of the site or lot shall not be less than required for one (1) building on one (1) lot in the district in which the property is located.
2. The distance between group buildings on one (1) site, including institutions and dwellings, shall be twice the width of the required side, front or rear yards or the sum of a combination of any two (2) such yards, depending on the arrangement or location of one (1) building in relation to another.

3. In the case of group dwellings or court apartments rearing on side yards, in those districts where multiple-family dwellings are permitted, the required side yards shall be increased two feet (2') in width for each dwelling unit rearing thereon; but the side yard need not exceed twenty-five feet (25').

4. No group dwelling court shall be less than thirty-five feet (35') in width.

5. In the case of row houses or dwellings rearing on one (1) side yard and fronting upon another, in districts where multiple-family dwellings are permitted, the side yard on which dwellings rear shall be increased two feet (2') for each dwelling unit rearing on the side yard and the side yard on which dwellings front shall be not less than twenty feet (20') in width.

- (D) **Rear Yard Includes One-Half of Alley:** In computing the depth of a rear yard, where the yard abuts an alley, one-half (1/2) of the width of the alley may be assumed to be a portion of the rear yard.
- (E) **Through Lots:** Through lots having a frontage on two (2) streets shall provide the required front yard on each street.
- (F) **Dwelling Units Above Stores:** Front and side yards for dwellings above stores or businesses shall be waived when front and side yards are not required for the commercial use.
- (G) **Lot Area Requirements for Tourist Court:** Each sleeping or living unit of a tourist court shall be considered a dwelling under the lot area per family requirements of the district in which the tourist court is located.
- (H) **Lot Area Includes One-Half of Alley:** Where a lot abuts one (1) or more alleys one-half (1/2) of one (1) alley may be included in the computing of the lot area per family.
- (I) **Accessory Buildings:** Accessory buildings shall not occupy more than thirty per cent (30%) of the required rear yard.
- (J) **Projections Into Yards:** Every part of a required yard shall be open from the ground to the sky unobstructed, except for the following:
 - 1. Accessory building in the rear yard.
 - 2. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into side yards not more than twelve inches (12") or into front and rear yards not more than twenty-four inches (24").
 - 3. Chimneys may project into any yard not more than twelve inches (12").

3. Uncovered balconies or fire escapes may project into any yard not more than four feet (4').

5. Uncovered porches, terraces or platforms may project or extend into a front or rear yard not more than six feet (6') or into a side yard not more than four feet (4') or into a court more than six feet (6'). Such porches, terraces or platforms shall not extend upward above the first floor level.

(K) Front Yard Fences and Hedges: No fence or hedge in a required front yard in any "R" Dwelling District shall exceed three feet (3') in height.
(Ord. 1405; 4-20-54)

CHAPTER 4

“R-1” ONE-FAMILY DWELLING DISTRICT

SECTION:

- 11-4-1: Permitted Uses
- 11-4-2: Height
- 11-4-3: Area

11-4-1: PERMITTED USES:

- (A) One-family dwellings.
- (B) Publicly owned parks, playgrounds, playfields and community or neighborhood centers.
- (C) Public schools, public libraries and churches in locations and on sites approved by the Planning Commission and with side yards as required in Section 11-3-4.
- (D) Necessary public utilities and public service uses or structures on sites and in locations approved by the Planning Commission.
- (E) Commercial or truck gardening and horticultural nurseries as a land use on a lot not less than twenty thousand square feet (20,000 sq. ft.) in area; commercial buildings not permitted.
- (F) Golf courses, except midget golf courses, driving ranges or similar commercial enterprises.
- (G) Office of a recognized profession, such as a physician or minister but only as a home occupation.
- (H) Accessory uses and buildings customarily incidental to the above uses including one (1) private garage and one (1) private stable; provided, however, that no garage or parking space shall be allowed for more than three (3) automobiles on the lot, nor shall a private stable be permitted on a lot having an area of less than twenty thousand square feet (20,000 sq. ft.). Detached accessory buildings shall be located not less than sixty feet (60') from the front lot line and on corner lots, shall not project into the required side yard on the street side of the corner lot. A stable shall be located not less than twenty-five feet (25') from any street line nor less than twenty feet (20') from any side lot line. Accessory buildings shall be located not less than eight feet (8') from the rear lot line where no alley exists. The capacity of a private stable shall not exceed one (1) horse for each twenty thousand square feet (20,000 sq. ft.) of lot area.

(I) Name Plates and Signs: One (1) nonilluminated name plate not exceeding one and one-half square feet (1-1/2 sq. ft.) in area, placed flat against the building, for each dwelling containing the office of a recognized profession, such as a physician or minister as a home occupation. One (1) nonilluminated temporary sign not exceeding eight square feet (8 sq. ft.) in area appertaining to the lease, rental or sale of a building or premises upon which it is located. One (1) bulletin board not exceeding twelve square feet (12 sq. ft.) in area for each church, neighborhood or community center. No other sign is permitted.

11-4-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of two and one-half (2-1/2) stories or thirty-five feet (35') in depth.

11-4-3: AREA:

(A) Front Yard: There shall be a front yard having a depth of not less than twenty-five feet (25'); provided, however, that where lots comprising forty per cent (40%) or more of the frontage are developed with buildings having a variation of not more than ten feet (10') in depth, the average of the front yard depths of existing buildings shall establish the front yard depth for the entire frontage. A front yard need not exceed thirty-five feet (35') in depth.

(B) Side Yard: On interior lots there shall be a side yard on each side of the main building and each side yard shall have a width of not less than twelve per cent (12%) of the width of the lot, but need not exceed fifteen feet (15'). Each such side yard shall not be less than nine feet (9') in width.

On corner lots the side yard regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of the lot in the rear. In this case, there shall be a side yard on the street side of the corner lot of not less than one-half (1/2) of the required front yard of the lots in the rear. In no case, however, shall the side yard on the street side of a corner lot be less than twelve and one-half feet (12-1/2') in width. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight feet (8') from the side lot line of the lot in the rear. The interior side yard shall be the same as required for interior lots.

(C) Rear Yard: There shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.

(D) Lot Area: Every lot shall have a minimum average width of seventy-five feet (75') and an area of not less than ten thousand square feet (10,000 sq. ft.).

A lot having a width of less than seventy-five feet (75') or an area of less than ten thousand square feet (10,000 sq. ft.) of record at the time of the adoption of this Title may be occupied by a one-family dwelling; provided, all yard requirements are complied with. (Ord. 1405; 4-20-54)

CHAPTER 5

"R-1A" ONE-FAMILY DWELLING DISTRICT

SECTION:

- 11-5-1: Permitted Uses
- 11-5-2: Height
- 11-5-3: Area

11-5-1: **PERMITTED USES:** The uses permitted in the "R-1A" One-Family Dwelling District shall be the same as those uses permitted in the "R-1" One-Family Dwelling District.

11-5-2: **HEIGHT:** Buildings erected in a "R-1A" One-Family Dwelling District shall have the same height restrictions as are provided for in the "R-1" One-Family Dwelling District.

11-5-3: **AREA:**

- (A) **Front Yard:** The front yard requirements shall be the same as those in the "R-1" One-Family Dwelling District. (Ord. 1474; 2-3-60)
- (B) **Side Yard:** The side yard requirements shall be the same as those in the "R-2" One-Family Dwelling District. (Ord. 1488; 10-5-60)
- (C) **Rear Yard:** The rear yard requirements shall be the same as those in the "R-1" One-Family Dwelling District.
- (D) **Lot Area:** Every lot shall have a minimum area of not less than eight thousand square feet (8,000 sq. ft.). (Ord. 1474; 2-3-60)

CHAPTER 6

"R-2" ONE-FAMILY DWELLING DISTRICT

SECTION:

11-6-1: Permitted Uses
11-6-2: Height
11-6-3: Area

11-6-1: PERMITTED USES:

- (A) Any use permitted in the "R-1" One-Family Dwelling District.
- (B) Home occupations.
- (C) Colleges and universities not carried on as a business, in locations and on sites approved by the Planning Commission and with side yards as required in Section 11-3-4.
- (D) Accessory uses and buildings as permitted in the "R-1" One-Family Dwelling District.
- (E) Name plates and signs as permitted in the "R-1" One-Family Dwelling District.

11-6-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of two and one-half (2-1/2) stories or thirty-five feet (35').

11-6-3: AREA:

- (A) Front Yard: There shall be a front yard having a depth of not less than twenty-five feet (25'); provided, however, that where lots comprising forty per cent (40%) of the frontage are developed with buildings having front yards with a variation of not more than ten feet (10') in depth, the average of such depths shall establish the front yard depth of the entire frontage. A front yard need not exceed thirty-five feet (35').
- (B) Side Yard: On interior lots there shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten per cent (10%) of the width of the lot but need not exceed fifteen feet (15'). Each such side yard shall not be less than six feet (6') in width. On interior lots where a garage is not a part of the main building and where the rear lot line does not abut an alley or street, one (1) of the side yards shall have a width of not less than nine feet (9').

On corner lots the side yard regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of the lot in the rear. In such case there shall be a side yard on the street side of the corner lot of not less than one-half (1/2) of the required front yards of the lots in the rear, but the side yard need not exceed fifteen feet (15') in width. In no case, however, shall the side yard on the street side of a corner lot be less than six feet (6') in width. No accessory buildings on the corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight feet (8') from the side lot line of the lot in the rear. The interior side yard shall be the same as required for interior lots.

- (C) Rear Yard: There shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.
- (D) Lot Area: Every lot shall have a minimum average width of sixty feet (60') and an area of not less than six thousand square feet (6,000 sq. ft.).

A lot having a width of less than sixty feet (60') or an area of less than six thousand square feet (6,000 sq. ft.) of record at the time of the adoption of this Title may be occupied by a one-family dwelling; provided, all yard requirements are complied with. (Ord. 1405; 4-20-54)

CHAPTER 7

"R-3" TWO-FAMILY DWELLING DISTRICT

SECTION:

11-7-1: Permitted Uses
11-7-2: Height
11-7-3: Area

11-7-1: PERMITTED USES:

- (A) Any use permitted in the "R-2" One-Family Dwelling District.
- (B) Two-family dwellings.
- (C) Churches.
- (D) Accessory uses and buildings as permitted in the "R-1" One-Family Dwelling District.
- (E) Name plates and signs as permitted in the "R-1" One-Family Dwelling District.

11-7-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of two and one-half (2-1/2) stories or thirty-five feet (35').

11-7-3: AREA:

- (A) Front Yard: There shall be a front yard having a depth of not less than twenty feet (20'); provided, however, that where lots comprising forty per cent (40%) of the frontage are developed with buildings have front yards with a variation of not more than ten feet (10') in depth, the average of such depths shall establish the front yard depth of the entire frontage. A front yard need not exceed thirty feet (30').
- (B) Side Yard: Side yards shall be the same as required in the "R-2" One-Family Dwelling District.
- (C) Rear Yard: There shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.
- (D) Lot Area: Every lot shall have a minimum average width of sixty feet (60') and an area of not less than six thousand square feet (6,000 sq. ft.). The lot area for a one-family dwelling shall not be less than six thousand square feet (6,000 sq. ft.) and for a two-family dwelling shall not be less than three

thousand square feet (3,000 sq. ft.) for each dwelling unit. A lot having a width of less than sixty feet (60') or an area of less than six thousand square feet (6,000 sq. ft.), of record at the time of the adoption of this Title may be occupied by a one-family dwelling; provided, all yard requirements are complied with. (Ord. 1405, 4-20-54)

CHAPTER 8

"R-4" MULTIPLE-FAMILY DWELLING DISTRICT

SECTION:

11-8-1: Permitted Uses
11-8-2: Height
11-8-3: Area

11-8-1: PERMITTED USES:

- (A) Any use permitted in the "R-3" Two-Family Dwelling District.
- (B) Multiple-family dwellings.
- (C) Boarding and lodging houses.
- (D) Private schools.
- (E) Fraternities and sororities, with side yards as required in Section 11-3-4.
- (F) Private clubs and lodges, except those carried on as a business, with side yards as required in Section 11-3-4.
- (G) Hospitals, sanitariums and nursing homes, except those for contagious, mental, liquor or drug addict cases and animal clinics and hospitals, with side yards as required in Section 11-3-4.
- (H) Educational and philanthropic institutions, except those for correctional purposes or for mental cases, with side yards as required in Section 11-3-4.
- (I) Accessory uses and buildings as permitted in the "R-1" One-Family Dwelling District.
- (J) Name Plates and Signs: One (1) nonilluminated name plate not exceeding one square foot (1 sq. ft.) in area, placed flat against the building, for each dwelling unit containing a home occupation. One (1) nonilluminated, temporary sign not exceeding eight square feet (8 sq. ft.) in area appertaining to the lease, rental or sale of the building or premises on which it is located. One (1) nonilluminated sign not exceeding six square feet (6 sq. ft.) in area, placed flat against the building for each multiple-family dwelling or for a building other than a dwelling. One (1) lighted sign not exceeding sixteen square feet (16 sq. ft.) in area for each hospital or sanitarium. One (1) bulletin board not exceeding sixteen square feet (16 sq. ft.) in area for each church, neighborhood or community center or educational institution. Lighted signs shall not be of a flashing or animated character.

11-8-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of three (3) stories or forty-five feet (45').

11-8-3: AREA:

(A) Front Yard: The front yard shall be the same as required in the "R-3" Two-Family Dwelling District.

(B) Side Yard: On interior lots there shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten per cent (10%) of the width of the lot but need not exceed fifteen feet (15'). Each such side yard shall not be less than six feet (6') in width. On interior lots where a garage is not a part of the main building and where the rear lot line does not abut an alley or street, one (1) of the side yards shall have a width of not less than nine feet (9').

On corner lots the side yard regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of the lot in the rear. In such case there shall be a side yard on the street side of the corner lot of not less than one-half (1/2) of the required front yards of the lots in the rear, but such side yard need not exceed fifteen feet (15') in width. In no case, however, shall the side yard on the street side of a corner lot be less than six feet (6') in width. No accessory building on the corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight feet (8') from the side lot line of the lot in the rear. The interior side yard shall be the same as required for interior lots.

For buildings exceeding two and one-half (2-1/2) stories in height the minimum required widths for interior side yards shall be increased two feet (2') for each story or part thereof if the building height exceeds two and one-half (2-1/2) stories.

(C) Rear Yard: There shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.

(D) Lot Area: Every lot shall have a minimum average width of sixty feet (60') and an area of not less than six thousand square feet (6,000 sq. ft.). The lot area for a one-family dwelling shall not be less than six thousand square feet (6,000 sq. ft.) and for a two-family dwelling shall not be less than three thousand square feet (3,000 sq. ft.) for each dwelling unit and for a multiple-family dwelling shall not be less than fifteen hundred square feet (1500 sq. ft.) for each dwelling unit. A lot having a width of less than sixty feet (60') or an area of less than six thousand square feet (6,000 sq. ft.) of record at the time of the adoption of this Title may be occupied by a one-family dwelling; provided, all yard requirements are complied with. (Ord. 1405; 4-20-54)

CHAPTER 9

"C-1" COMMERCIAL DISTRICT

SECTION:

11-9-1: Permitted Uses
11-9-2: Height
11-9-3: Area

11-9-1: PERMITTED USES:

- (A) Any use permitted in the "R-4" Multiple-Family Dwelling District.
- (B) Automobile service station.
- (C) Bakery, retail only and the products of which are sold only on the premises.
- (D) Bank.
- (E) Barber shop or beauty parlor.
- (F) Bicycle shop.
- (G) Book or stationery store.
- (H) Clinics, medical and dental.
- (I) Clothes cleaning agency or pressing shop, excluding cleaning and dyeing on the premises.
- (J) Clothing store or tailor shop.
- (K) Confectionery shop, retail only, including ice cream.
- (L) Delicatessen.
- (M) Drug store.
- (N) Dry goods store, millinery or dress shop.
- (O) Florist shop.
- (P) Frozen food locker establishment, renting lockers for only individual and family use.
- (Q) Gift shop.
- (R) Grocery, fruit or vegetable store.

- (S) Hardware or electrical appliance store.
- (T) Hotels and apartment hotels.
- (U) Jewelry store.
- (V) Laundry agency, excluding laundry.
- (W) Meat market.
- (X) Notions or variety store.
- (Y) Offices, business or professional.
- (Z) Photographer's shop.
- (A1) Public parking area, subject to the regulations in Section 11-3-2.
- (B1) Restaurant, tearoom or cafeteria, excluding dancing, entertainment and drive-in restaurants.
- (C1) Shoe store or shoe repair shop.
- (D1) Theater, enclosed within a building.
- (E1) Accessory uses and buildings customarily incident to the foregoing retail stores, shops and businesses and permitting only such incidental preparation and packaging of products as is necessary to prepare retail goods sold only on the premises.
- (F1) Accessory uses and buildings for dwellings, same as required in the "R-4" Multiple-Family Dwelling District.
- (G1) Signs: Signs shall pertain only to goods and services sold upon the premises. No sign shall project above nor beyond the building. Only one (1) sign not exceeding thirty square feet (30 sq. ft.) in area may be placed on any building wall facing a street or a public parking area.

11-9-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of two and one-half (2-1/2) stories or thirty-five feet (35').

11-9-3: AREA:

- (A) Front Yard: The front yard shall be the same as required in the "R-3" Two-Family Dwelling District.
- (B) Side Yard: Where the side of a lot in a "C-1" Commercial District abuts the side of a lot in an "R" District, there shall be a side yard of not less than six feet (6').

Where the rear lot line of a corner lot abuts the side lot line of a lot in any "R" District, the side yard on the street side of the corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of the corner lot but the side yard need not exceed ten feet (10') in width. In such case, however, the side yard on the street side of a corner lot shall not be less than six feet (6') in width. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight feet (8') from the side lot line of the lot in the rear.

In other cases a side yard for a commercial building shall not be required.

The side yard regulations for buildings hereafter built and used entirely for dwelling purposes shall be the same as required in the "R-2" One-Family Dwelling District.

(C) Rear Yard: No rear yard shall be required unless the rear yard abuts upon a residential zone in which case the rear yard shall be the same as that required in the "C-2" Commercial District.

For buildings hereafter built or used entirely for dwelling purposes there shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.

(D) Lot Area: The lot area regulations for buildings hereafter built or used wholly or partially for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District. (Ord. 1405; 4-20-54)

CHAPTER 10

"C-2" COMMERCIAL DISTRICT

SECTION:

- 11-10-1: Permitted Uses
- 11-10-2: Height
- 11-10-3: Area

11-10-1: PERMITTED USES:

- (A) Any use permitted in the "C-1" Commercial District.
- (B) Amusement establishments, including billiard halls, dance halls and bowling alleys when enclosed within a building but excluding skating rinks, shooting galleries, penny arcades, roller coasters or similar noisy amusements.
- (C) Auditoriums.
- (D) Automobile, truck and trailer sales establishments.
- (E) Baths, public.
- (F) Battery charging and repairing.
- (G) Blue printing and photostating.
- (H) Business college.
- (I) Cabinet shop, enclosed within the building as a retail business only and in which not more than three thousand (3,000) board feet of lumber may be stored.
- (J) Cleaning and pressing establishment.
- (K) Department store.
- (L) Express office.
- (M) Fish market, retail.
- (N) Feed and seed store, enclosed within the building.
- (O) Furniture store.
- (P) Garden supplies store or florist shop, including greenhouse, as a retail business.

- (Q) Harness shop or leather goods or luggage store.
- (R) Ice storage building, not more than five (5) tons in capacity.
- (S) Painting shop, enclosed within a building.
- (T) Pawn shop.
- (U) Pet shop.
- (V) Plumbing or sheet metal shop, enclosed within the building.
- (W) Private club, lodge or fraternal organization.
- (X) Printing, lithographing and publishing.
- (Y) Public garage, including usual automobile repairs and servicing when enclosed within the building. When a public garage is within fifty feet (50') of an "R" District there shall be no opening in the building walls facing the boundaries of an "R" District other than stationery windows, except where the building walls abut streets or alleys.
- (Z) Public utility and public service uses.
 - (A1) Restaurant, tearoom, cafeteria, including drive-in restaurant.
 - (B1) Retail stores and shops.
 - (C1) Secondhand store or antique shop, enclosed within the building.
 - (D1) Self-service laundry.
 - (E1) Stadium, recreation building and natatorium.
 - (F1) Signs as permitted by the provisions in this Code.
 - (G1) Storage building for household goods.
 - (H1) Studio, music, art and voice, but excluding moving picture studio.
 - (I1) Tire shop, enclosed within the building.
 - (J1) Tourist court, camp or motel.
 - (K1) Undertaking establishment.
 - (L1) Upholstering shop or interior decorating store.
 - (M1) Welfare organizations, including mission.
- (N1) Accessory uses and buildings customarily incident to the foregoing retail stores, shops and businesses permitting only such incidental preparations and packaging of products as is necessary to prepare retail goods sold only on the premises.

- (01) Accessory uses and buildings for dwellings, same as required in the "R-4" Multiple-Family Dwelling District.
- 11-10-2: HEIGHT: A building, structure or portion thereof hereafter erected shall not exceed a height of three (3) stories or forty-five feet (45').
- 11-10-3: AREA:
 - (A) Front Yard: Where all the frontage is located in the "C-2" Commercial District no front yard is required. Where the frontage is partly in the "C-2" Commercial District and partly in an "R" District, the front yard requirements of the "R" District shall apply in the "C-2" Commercial District.
 - (B) Side Yard: Where the sides of a lot in the "C-2" Commercial District abuts the side of a lot in an "R" District, there shall be a side yard of not less than six feet (6') in width.

Where the rear lot line of a corner lot abuts the side lot line of a lot in any "R" District, the side yard on the street side of such corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of the corner lot but the side yard on the street side of a corner lot shall not be less than six feet (6') in width. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight feet (8') from the side lot line of the lot in the rear.

In other cases a side yard for a commercial building shall not be required.

The side yard regulations for buildings hereafter built or used entirely for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District.
 - (C) Rear Yard: For commercial buildings there shall be a rear yard of twenty feet (20').
 - (D) Lot Area: The lot area regulations for buildings hereafter built or used wholly or partly for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District. (Ord. 1405; 4-20-54)

CHAPTER 11

"B" BUSINESS DISTRICT

SECTION:

11-11-1: Permitted Uses
11-11-2: Height
11-11-3: Area

11-11-1: PERMITTED USES: The uses permitted in the "B" Business District shall be the same as permitted in the "C-2" Commercial District.

11-11-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of six (6) stories or seventy-five feet (75').

11-11-3: AREA:

(A) Front Yard: Where all the frontage is located in the "B" Business District no front yard is required. Where the frontage is partly in the "B" Business District and partly in an "R" District the front yard requirements of the "R" District shall apply in the "B" Business District.

(B) Side Yard: Where the side of a lot in the "B" Business District abuts the side of a lot in an "R" District there shall be a side yard of not less than six feet (6') in width. In other cases a side yard for a commercial building shall not be required.

The side yard regulations for buildings hereafter built or used entirely for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District.

(C) Rear Yard: where a lot in the "B" Business District abuts upon an "R" District there shall be a rear yard having a depth of not less than twenty feet (20') for interior lots and ten feet (10') for corner lots. In other cases a rear yard is not required for a commercial building.

For buildings hereafter built or used entirely for dwelling purposes there shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.

(D) Lot Area: The lot area regulations for buildings hereafter built or used wholly or partially for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District. (Ord. 1405; 4-20-54)

CHAPTER 12

"M-1" LIGHT INDUSTRIAL DISTRICT

— SECTION:

- 11-12-1: Permitted Uses
- 11-12-2: Height
- 11-12-3: Area

— 11-12-1: PERMITTED USES:

(A) Any use permitted in the "C-2" Commercial District.

(B) The following uses shall be enclosed within a building:

- 1. Art glass works and ceramics manufacture using only electric kilns and excluding the grinding of clay.
- 2. Assembling, rebuilding, repair and maintenance of automobiles, motorcycles, trucks and farm vehicles including painting and upholstery.
- 3. Assembling of light machinery, toys, musical instruments and mechanical equipment including painting.
- 4. Battery assembling and repair.
- 5. Blacksmith shop, machine shop and sheet metal works but excluding the use of heavy and automatic machines such as large drop and power hammers, punch presses and screw machines that are offensive by reason of noise.
- 6. Bottling and manufacture of nonalcoholic beverages.
- 7. Canning, packaging, processing, manufacture and distribution of food products, bakery goods, candy and confections but excluding meat, fish, vinegar, sauerkraut, yeast and the rendering or preparation of oils and fats.
- 8. Carpenter shop and wood products manufacture but excluding planing mill and lumber mill.
- 9. Cigar, cigarette and tobacco manufacture but excluding the manufacture of chewing tobacco and snuff.
- 10. Circus, transient and other amusements.

11. Cleaning, dyeing and pressing of clothing, carpets and rugs and including laundries.
12. Cosmetics, drugs, pharmaceutical products, perfume and toiletries manufacture.
13. Electric appliances and equipment assembling, repair and maintenance including the manufacture of small parts and electric signs.
14. Jewelry, precision instruments and optical goods manufacturing using only electric power and electric furnace.
15. Photo engraving.
16. Poultry and rabbit slaughter incidental to a retail business conducted on the premises.
17. Laboratories, excluding storage or use of explosives or dangerous substances.
18. Livery stable and auto laundry.
19. Manufacture of objects made by the assembling or processing of the following materials that have been prepared or manufactured elsewhere: bone, cloth, cork, cellophane, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastic, straw, stone and rubber.
20. Mirror works.
21. Transportation or freight terminal.
22. Veterinary or pet hospital, kennel or hatchery.
23. Warehouse, cold storage, frozen food storage, wholesale business, transfer company, grain elevator or commissary business but excluding the storage of volatile substances and explosives.
24. Uses customarily incident to any of the foregoing uses and accessory buildings when located on the same lot.

(C) The following uses may occupy a building or yard space other than required front and side yards and such occupied yard space shall be enclosed by a wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet (6') in height; further provided, that such wall or fence shall not be used for advertising purposes:

1. Retail lumberyard and building materials yard excluding concrete mixing.
2. Retail feed and fuel yard.

- 3. Draying, trucking and automobile freighting yard.
- 4. Contractors equipment yard.
- 5. Small boat yard for the building or repair of boats not exceeding sixty-five feet (65') in length.

— 11-12-2: HEIGHT: A building, structure or portion thereof, hereafter erected shall not exceed a height of six (6) stories or seventy-five feet (75').

— 11-12-3: AREA:

(A) Front Yard: Where all the frontage is located in the "M-1" Light Industrial District no front yard is required. Where the frontage is partly in the "M-1" Light Industrial District and partly in an "R" District the front yard requirements of the "R" District shall apply in the "M-1" Light Industrial District.

(B) Side Yard: Where the side of a lot in the "M-1" Light Industrial District abuts the side of a lot in an "R" District there shall be a side yard of not less than six feet (6') in width. In other cases, a side yard for a commercial or light industrial building shall not be required.

— The side yard regulations for buildings hereafter built or used entirely for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District.

(C) Rear Yard: Where a lot in the "M-1" Light Industrial District abuts upon an "R" District there shall be a rear yard having a depth of not less than twenty feet (20') for interior lots and fifteen feet (15') for corner lots. In other cases a rear yard is not required for a commercial or light industrial building.

— For buildings hereafter built or used entirely for dwelling purposes there shall be a rear yard having a depth of not less than twenty-five per cent (25%) of the depth of the lot.

(D) Lot Area: The lot area regulations for buildings hereafter built or used wholly or partially for dwelling purposes shall be the same as required in the "R-4" Multiple-Family Dwelling District. (Ord. 1405; 4-20-54)

CHAPTER 13

"M-2" HEAVY INDUSTRIAL DISTRICT

SECTION:

11-13-1: Permitted Uses
11-13-2: Height Regulations
11-13-3: Area

11-13-1: PERMITTED USES:

- (A) Any use permitted in the "M-1" Light Industrial District; either within or outside a building; provided, that all residential uses are prohibited in the "M-2" Heavy Industrial District except necessary quarters for caretakers and watchmen.
- (B) Alcohol manufacture, brewery and liquor distillery.
- (C) Asbestos products manufacture.
- (D) Bag cleaning.
- (E) Brick, tile, terra cotta and pottery manufacture.
- (F) Carborundum and abrasives manufacture.
- (G) Carpets, cloth, cord, rope, rugs and thread manufacture.
- (H) Chemicals manufacture but excluding acid manufacture.
- (I) Concrete and concrete products manufacture.
- (J) Coke and charcoal manufacture.
- (K) Felt manufacture.
- (L) Fish curing, smoking and canning.
- (M) Flour, feed and cereal manufacture.
- (N) Glass works.
- (O) Iron, steel, brass, copper and other metals, foundry, manufacture and fabrication but excluding smelter, blooming mill and blast furnace.
- (P) Lampblack, paint, varnish and turpentine manufacture.

- (Q) Linoleum, oil cloth and oil goods manufacture.
- (R) Meat and food manufacture and processing but excluding the slaughter of animals and rendering of fat.
- (S) Mining, rock quarry and the cleaning, crushing and processing of rock, sand and gravel.
- (T) Paper manufacture.
- (U) Pattern shop.
- (V) Petroleum and petroleum products storage.
- (W) Plating works.
- (X) Plastics manufacture.
- (Y) Polish manufacture.
- (Z) Railroad repair shops and yards.
- (A1) Rubber goods manufacture.
- (B1) Saw and planing mill.
- (C1) Salt works.
- (D1) Soap manufacture.
- (E1) Shipyard.
- (F1) Tobacco products manufacture.
- (G1) Wool pulling and scouring.
- (H1) Uses customarily incident to any of the foregoing uses and accessory buildings when located on the same lot.

11-13-2: HEIGHT REGULATIONS: A building, structure or portion thereof hereafter erected shall not exceed a height of six (6) stories or seventy-five feet (75').

11-13-3: AREA:

- (A) Front Yard: Where all the frontage is located in the "M-2" Heavy Industrial District no front yard is required. Where the frontage is partly in the "M-2" Heavy Industrial District and partly in an "R" District the front yard requirements of the "R" District shall apply in the "M-2" Heavy Industrial District.

(B) Side Yard: Where the side of a lot in the "M-2" Heavy Industrial District abuts the side of a lot in an "R" District there shall be a side yard of not less than six feet (6') in width. In other cases a side yard for a commercial or industrial building shall not be required.

(C) Rear Yard: Where a lot in the "M-2" Heavy Industrial District abuts upon an "R" District there shall be a rear yard having a depth of not less than twenty feet (20') for interior lots and fifteen feet (15') for corner lots. In other cases a rear yard is not required. (Ord. 1405; 4-20-54)

CHAPTER 14
NONCONFORMING USES

SECTION:



- 11-14-1: Nonconforming Use of Land
- 11-14-2: Signs
- 11-14-3: Nonconforming Use Continued
- 11-14-4: Nonconforming Use by Reason of Amendment to Title
- 11-14-5: Nonconforming Use Discontinued
- 11-14-6: Alterations or Change of Nonconforming Building
- 11-14-7: Reconstruction of Damaged Building
- 11-14-8: Additional Uses by Permit of Board of Adjustment
- 11-14-9: Nonconforming Uses; Extension

11-14-1: NONCONFORMING USE OF LAND: The use of land not occupied by buildings or structures which does not conform to the provisions of this Title shall be discontinued one (1) year from the date of the adoption of this Title. The use of land which becomes nonconforming by reason of subsequent change in this Title shall also be discontinued one (1) year from the date of such change.

11-14-2: SIGNS: Advertising signs, billboards and advertising structures which do not conform to the provisions of this Title shall be removed within three (3) years from the date of the adoption of this Title. Any nonconforming sign or billboard which for any reason is removed or condemned for removal shall not be replaced.

11-14-3: NONCONFORMING USE CONTINUED: The use of a building existing at the time of the adoption of this Title may be continued although such use does not conform to its provisions. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or a more restricted classification. A nonconforming use shall not hereafter be changed to a less restrictive use.

11-14-4: NONCONFORMING USE BY REASON OF AMENDMENT TO TITLE: Whenever the use of a building becomes nonconforming by reason of a subsequent change in the Zoning Title, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

11-14-5: NONCONFORMING USE DISCONTINUED: Should a nonconforming use of a building be discontinued for a period of one (1) year, the use of such building shall thereafter conform to a use permitted in the district in which it is located.

11-14-6: ALTERATIONS OR CHANGE OF NONCONFORMING BUILDING: An existing building occupied by a nonconforming use, shall not be enlarged, extended or structurally altered unless its use and such enlargement, extension or altered portion is made to conform to the regulations of the district in which such building is located.

11-14-7: RECONSTRUCTION OF DAMAGED BUILDING: When a building, the use of which does not conform to the provisions of this Title, is damaged by fire, flood, explosion, or other calamity or act of God or the public enemy to the extent of not more than sixty per cent (60%) of its fair value, at the time of the damage, it may be restored and its use, at the time of the damage, resumed. Such reconstruction, however, must be started within one (1) year following the damage; after such time has elapsed the building can be repaired or reconstructed only if its use and the damaged portions conform to the regulations of the district in which the building is located. Should such damage to a building exceed sixty per cent (60%) of its fair value, at the time of the damage, then the building may be repaired or reconstructed only if it conforms to all the regulations of the district in which it is located.

11-14-8: ADDITIONAL USES BY PERMIT OF BOARD OF ADJUSTMENT: The Zoning Board of Adjustment, after public hearing, may permit the following uses in districts from which they are prohibited by the regulations of this Title or in certain districts as herein provided, where such uses are deemed necessary to the public convenience, health and welfare and are in accord with the Comprehensive City Plan,

- (A) Airports and airfields.
- (B) Cemeteries, crematories, columbariums or mausoleums.
- (C) Educational institutions.
- (D) Fraternity, sorority or private club.
- (E) Governmental buildings, (Federal, State, County or City).
- (F) Hospitals and sanitariums.
- (G) Nursing homes.
- (H) Parks, playgrounds, recreation or community centers or facilities operated for public welfare.
- (I) Nursery schools in the "R-2" or "R-3" Dwelling Districts.
- (J) Philanthropic or correctional institutions.
- (K) Radio or television stations.

- (L) Extraction of sand, gravel, ores or other natural resources.
- (M) Game or fur farms.
- (N) Circus or transient amusements.
- (O) Small, temporary, frame building incidental to construction or building operations such as contractors office and supply shed for a period not to exceed one (1) year.
- (P) A public parking area in any "R" District abutting a Commercial or Light Industrial District, such public parking area to be contiguous to and within two hundred feet (200') of a Commercial or a Light Industrial District. The parking area shall be subject to the following conditions and limitations:
 1. Regulations of Section 11-3-2.
 2. Such public parking area shall not be separated from the Commercial or Light Industrial District by any street or public way.
 3. No entrance or exit to such public parking area shall be more than fifty feet (50') from a Commercial or Light Industrial District.
 4. Such public parking area shall be solely for the temporary parking of passenger automobiles and shall not be used for the sale, repair or servicing of automobiles.
 5. Only one (1) nonilluminated sign not exceeding ten square feet (10 sq. ft.) in area shall be permitted in such public parking area.
 6. Such other and further conditions as the Board of Adjustment may deem desirable to reduce the adverse effect of such public parking area upon the preservation of the residential character and the development of the residential district within which said parking is located.

Written application for any of the foregoing uses shall be made to the Board of Adjustment and referred to the Planning Commission for review. The Planning Commission shall make a written report of its findings and determination to the Board of Adjustment within thirty (30) days of the receipt of the written application. Should the Planning Commission fail to make its report within thirty (30) days, the absence of such report shall be deemed the approval of that body. No action shall be taken by the Board of Adjustment on the application until after the report of or the time allowed for the report of the Planning Commission. In approving any of the uses listed in this Section, the Board of Adjustment may impose such conditions as it deems proper to protect the surrounding property and the purposes of the Comprehensive City Plan.

11-14-9: NONCONFORMING USES; EXTENSION: No nonconforming building, structure or use in any "R" or Dwelling District used for a commercial or industrial use shall be expanded, altered, changed or revised in any manner except upon appeal to the Zoning Board of Adjustment and approval by the Zoning Board of Adjustment after holding a public hearing on the appeal. All nonconforming uses may be continued in their present form but shall be subject to the foregoing provisions. (Ord. 1405; 4-20-54)

CHAPTER 15

RESIDENTIAL NEIGHBORHOOD UNIT PLAN

SECTION:

11-15-1: Submission of Plan; Requirements

11-15-1: SUBMISSION OF PLAN; REQUIREMENTS: A plan for a residential neighborhood unit of more than ten (10) acres may be submitted to the Commission by the owner of the tract for which such development is planned. The plan shall be referred to the Planning Commission for study, for public hearing and report. The plan shall not be approved by the Planning Commission unless it meets the following requirements:

- (A) The property abutting and adjacent to the tract will not be adversely affected by the development of the plan.
- (B) That the height regulations of the district in which the property is located shall be observed.
- (C) That the lot area, per family unit, exclusive of the area in streets of the district in which the property is located shall be observed.
- (D) That the distance between buildings shall be twice the width of the side, front and rear yards or the sum of any two such yards as required in the district in which the property is located.
- (E) That adequate utilities, neighborhood and community facilities, recreational areas and open spaces are provided in the plan.
- (F) That the plan conforms to the intent and purpose of this Title to promote the public health, safety, morals and general welfare.

Should such plan include any use of property not permitted in the district in which the tract, for which the plan is submitted, is located, then the Planning Commission shall request the proper amendment to this Title covering such required change in use, if in its report to the Commission such change is approved. (Ord. 1405; 4-20-54)

CHAPTER 16

CERTIFICATE OF OCCUPANCY

SECTION:

- 11-16-1: Certificate of Occupancy for Buildings
- 11-16-2: Certificate of Occupancy for Land
- 11-16-3: Certificate; Record of
- 11-16-4: Plat or Plan

11-16-1: CERTIFICATE OF OCCUPANCY FOR BUILDINGS: A certificate of occupancy for a new building or for the alteration of an existing building shall be applied for when application is made for a building permit. The certificate of occupancy shall be issued within five (5) days after written request for the same shall have been made to the Building Officer, after the construction or alteration of the building or portion thereof is completed and such building or alteration is approved as the result of the final inspection by the Building Officer. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued for a period not exceeding six (6) months for a building or portion thereof whose construction or alteration is nearing completion and which building has been inspected by the Building Officer and declared safe for occupancy. Such temporary certificate shall not be construed as in any way altering the requirements of the regulations of this Title or other City regulation of building occupancy.

11-16-2: CERTIFICATE OF OCCUPANCY FOR LAND: No certificate of occupancy is necessary for the use of land for agricultural purposes. A certificate of occupancy shall be applied for before the use or occupancy of vacant land or before a change in the use of land and a certificate of occupancy shall be issued within ten (10) days after such application is made to the Building Officer; provided, such use is in conformity with the regulations of this Title and the district in which the land is located.

11-16-3: CERTIFICATE; RECORD OF: The certificate of occupancy shall state that the new building or portion thereof or the altered existing building or the proposed use of a building or land complies with the requirements of this Title. A record of all certificates shall be kept on file in the office of the Building Officer and copies furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for the original certificate applied for at the time of application for a building permit but a charge of one dollar (\$1.00) shall be made for copies of any original certificate.

11-16-4: PLAT OR PLAN: Each application for a building permit, when required by the Building Officer, shall be accompanied by a plat or plan, in duplicate, drawn to scale and showing accurately the location of the lot, all lot dimensions, building size and location, yard dimensions and such other information necessary to satisfy the requirements of this Title. This plat or plan shall have been prepared from a plat of record or from a survey made by a registered engineer or land surveyor. An exact record of the original copy of the application and plan shall be kept in the office of the Building Officer and a duplicate copy shall be kept at the building at all times during construction. (Ord. 1405; 4-20-54)

CHAPTER 17

INTERPRETATION; ENFORCEMENT

SECTION:

- 11-17- 1: Interpretation
- 11-17- 2: Changes and Amendments
- 11-17- 3: Enforcement

11-17-1: INTERPRETATION: In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this Title to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Title imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards and open spaces than are required in other provisions, codes, regulations, easements, covenants or agreements, the provisions of this Title shall govern. (Ord. 1405; 4-20-54)

11-17-2: CHANGES AND AMENDMENTS:

(A) General: Whenever public necessity and the general welfare require, the Commission may on its own motion or on petition or on recommendation of the Planning Commission, or Board of Adjustment, after public notice and public hearing, amend, supplement or change the regulations or the districts of this Title herein established.

(B) Initiation of the Amendment: An amendment, supplement or change in this Title may be initiated by:

1. A resolution of request by the Commission.
2. An official proposal by the Planning Commission.
3. A petition to the Commission presented on forms and accompanied by information prescribed by the Planning Commission.

All requests for amendment, supplement or change in this Title shall first be referred to the Planning Commission.

(C) Public Hearing by Planning Commission: Upon receipt of the request or petition for an amendment, supplement or change in this Title the Planning Commission shall set a day for a public hearing and give public notice of the time and place of the hearing in a newspaper of general circulation in the City at least fifteen (15) days before the time of such hearing. At least fifteen (15) days prior to said hearing, notice

shall be mailed by the Recorder to owners or contract purchasers (if any) of all property within lines one hundred fifty feet (150'), including intervening street widths, from and parallel to the boundary lines of the property for which an amendment, supplement or change is proposed.

(D) **Amendment by the Commission:** If the Planning Commission approves such request or petition for an amendment, supplement or change it shall forward its findings and recommendation to the Commission for action thereon by that body. In granting a change in zoning classification of any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest. Such conditions and restrictions shall thereafter apply to the zone change. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance by the property owner, contract purchaser (if any), and optional purchaser (if any), or by the new property owner, contract purchaser (if any), and optional purchaser (if any), who may have purchased the property or become interested in said property between the time of petition and the acceptance of such ordinance, shall have been filed with the City Recorder.

(E) **Filing of Petitions:** Petitions for amendment, supplement or change in this Title shall be filed with the Recorder. At the time of filing a petition the petitioner shall pay to the Recorder the sum of thirty five dollars (\$35.00) as a deposit to cover the expenses incident to the investigation of the petition and the cost of publishing notice of public hearings and ordinances. (Ord. 1557; 12-17-64)

11-17-3: **ENFORCEMENT:** It shall be the duty of the Building Officer to enforce this Title.

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Title, shall be guilty of a misdemeanor. (Ord. 1405; 4-20-54)

CHAPTER 18

OFF-STREET PARKING AND LOADING

SECTION:

- 11-18-1: Off-Street Parking
- 11-18-2: Off-Street Loading
- 11-18-3: General Provisions; Off-Street Parking and Loading
- 11-18-4: Lesser Requirements Permitted by Board of Adjustment

11-18-1: OFF-STREET PARKING: At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any zone in the City, off-street parking spaces shall be as provided in this Section unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season including proprietors.

<u>Use</u>	<u>Standard</u>
(1) Residential.	
(a) One, two, or three family dwelling:	One space per dwelling unit,
(b) Multi-family dwelling containing four or more dwelling units:	Spaces equal to 1.5 times the number of dwelling units.
(c) Residential hotel; rooming or boardinghouse:	Spaces equal to 80 per cent of the number of guest accommodations plus one additional space for the owner.
(2) Commercial residential.	
(a) Hotel:	One space per two guest rooms plus one space per two employees.
(b) Motel:	One space per guest room or suite plus one additional space for the owner or manager.

<u>Use</u>	<u>Standard</u>
(c) Club; lodge:	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
(3) Institutional.	
(a) Welfare or correctional institution:	One space per five beds for patients or inmates.
(b) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged:	One space per two beds for patients or residents.
(c) Hospital:	Space equal to 1.5 times the number of beds.
(4) Place of public assembly.	
(a) Church:	One space per four seats or eight feet of bench length in the main auditorium.
(b) Library; reading room:	One space per 400 square feet of floor area plus one space per two employees.
(c) Preschool nursery; Kindergarten:	Two spaces per teacher.
(d) Elementary or junior high school:	One space per classroom plus one space per administrative employee.
(e) High School:	One space per classroom plus one space per administrative employee.
(f) College; commercial school for adults:	One space per five seats in classrooms.
(g) Other auditorium; meeting room:	One space per four seats or eight feet of bench length.
(5) Commercial amusement.	
(a) Stadium; arena; theater:	One space per four seats or eight feet of bench length.
(b) Bowling alley:	Five spaces per alley plus one space per two employees.
(c) Dance hall; skating rink:	One space per 100 square feet of floor area plus one space per two employees.

<u>Use</u>	<u>Standard</u>
(6) Commercial.	
(a) Retail store except as provided in subsection (b) of this subsection:	One space per 200 square feet of floor area.
(b) Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture:	One space per 600 square feet of floor area.
(c) Bank; office (except medical and dental):	One space per 600 square feet of floor area plus one space per two employees.
(d) Medical and dental clinic:	One space per 300 square feet of floor area plus one space per two employees.
(e) Eating or drinking establishment:	One space per 200 square feet of floor area.
(f) Mortuaries:	One space per four seats or eight feet of bench length in chapels.
(7) Industrial.	
(a) Storage warehouse; manufacturing establishment; rail, or trucking freight terminal:	One space per two employees.
(b) Wholesale establishment:	One space per employee plus one space per 700 square feet of patron serving area.

11-18-2: OFF-STREET LOADING:

- (A) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty five (25) students.
- (B) Merchandise, Materials, or Supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than

is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

11-18-3: GENERAL PROVISIONS; OFF-STREET PARKING AND LOADING:

- (A) The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Chapter. Use of property in violation hereof shall be a violation of this Chapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Chapter to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- (B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- (C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (D) Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Building Officer in the form of deeds, leases, or contracts to establish the joint use.
- (E) Off-street parking for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than five hundred feet (500') from the building or use they are required to serve, measured in a straight line from the building.
- (F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (G) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.
- (H) Plans shall be submitted as provided in Section 4-1-1 of this Code.

(J) Design Requirements for Parking Lots.

1. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and drained to avoid flow of water across public sidewalks.
2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet (5') nor more than six feet (6') in height except where vision clearance is required.
3. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches (4") high and set back a minimum of four and one half feet (4 1/2') from the property line or by a bumper rail.
4. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling.
5. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
6. Groups of more than four (4) parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street other than an alley will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line, and a straight line joining said lines through points twenty feet (20') from their intersection.

(K) Completion Time for Parking Lots. Required parking spaces shall be improved and available for use before the final inspection is completed by the Building Officer. An extension of time may be granted by the Building Officer providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Officer provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the City.

11-18-4: LESSER REQUIREMENTS PERMITTED BY BOARD OF ADJUSTMENT: The Board of Adjustment, heretofore established by Title 11, Chapter 3, Section 1 of this Code, may permit lesser requirements than those specified in the parking and loading requirements above where it can be shown that, owing to special and unusual circumstances related to a specific piece of property the enforcement of the above off-street parking and loading restrictions would cause an undue or unnecessary hardship. (Ord. 1541; 6-3-64)

INDEX

A

Abandoned Containers	6- 5- 1
Admission Fees, Fraudulently Avoiding Payment of	6- 1- 1
Advertising Matter, License Fee	5- 2-22
After Hours	6- 1-1, 1
Alcoholic Beverages	5-15- 1
Alcoholic Beverages, Licenses, Hours of Sale	5-15- 3
Alcoholic Beverages, Prohibited at Dances	5-15- 8
Amendments to Code	1- 1- 3
Animals, Cruelty to	6- 1- 2
Animals, Impoundment	6- 3- 2
Animals, Impoundment Fees	6- 3- 6
Animals, Running at Large	6- 3- 1
Assault	6- 1- 3
Assembly, Unlawful	6- 1- 4
Attorney, Appointment	1-11- 1
Attorney, Duty to Prosecute	1-11- 3
Auctioneers, License	5- 2-12
Auctioneers, License Fee	5- 2-22

B

Bags, Plastic	6- 7- 1
Banners	4- 5- 1
Barbed Wire	6- 1- 5
Battery	6- 1- 3
B, Business District	11-11-1
Bill Posting	
License Fee	5- 2-22
License Required	5- 3- 1
Littering Streets Prohibited	5- 3- 3
Posting Restrictions	5- 3- 2
Billiard Rooms	
Application for Permit	5- 4- 1
Exceptions	5- 4- 5
Gambling, Intoxication Prohibited	5- 4- 2
Minors Prohibited	5- 4- 3
Revocation, Transfer of Permit	5- 4- 4
Board of Censors	2- 4- 1
Board of Censors, Duties	2- 4- 3
Board of Zoning Adjustment	2- 3- 1
Bond, Officers	1- 5- 6

Bond, Photography
Bowling Alleys, License
Bowling Alleys, License Fee
Building Code
Buildings, Dangerous
Buildings, Moving
Buildings, Moving, Bond
Buildings, Moving, Permit Fee
Buildings, Numbering of
Buildings, Rodent Protection
Business, Regulation

5-11- 2
5- 2-18
5- 2-22
4- 1- 1
4- 3- 1
4- 4- 1
4- 4- 3
4- 4- 3
9- 6- 1
8- 7- 1
5- 1- 1

C

Carnival, License
Carnival, License Fee
C-1, Commercial District
C-2, Commercial District
Cemetery, Mountain View
Certificate of Occupancy
Chief of Police, Bond
Cigarettes, Sale of to Minors
Circus, License
Circus, License Fee
City Pound
Civil Service Commission
Civil Service Commission, Budget
Civil Service Commission, Dismissal Procedure
Civil Service Commission, Examinations
Civil Service Commission, Meetings
Civil Service Commission, Positions
Civil Service Commission, Records
Civil Service Commission, Secretary
Civil Service System
Code Amendments
Code, City
Code, Definitions
Codes
 Building
 City
 Electrical
 Fire Prevention
 Milk
 Plumbing
 Sanitary

5- 2-16
5- 2-22
11-9- 1
11-10-1
9- 8- 1
11-16-1
1- 5- 6
6- 1- 6
5- 2-16
5- 2-22
6- 3- 3
2- 2- 1
2- 2-32
2- 2-29
2- 2-21
2- 2- 4
2- 2-19
2- 2-11
2- 2- 8
2- 2- 2
1- 1- 3
1- 1- 1
1- 3- 1
4- 1- 1
1- 1- 1
4- 2- 1
7- 3- 1
8- 3- 1
4- 6- 1
8- 1- 1

Bond, Photography	5-11- 2
Bowling Alleys, License	5- 2-18
Bowling Alleys, License Fee	5- 2-22
Building Code	4- 1- 1
Buildings, Dangerous	4- 3- 1
Buildings, Moving	4- 4- 1
Buildings, Moving, Bond	4- 4- 3
Buildings, Moving, Permit Fee	4- 4- 3
Buildings, Numbering of	9- 6- 1
Buildings, Rodent Protection	8- 7- 1
Business, Regulation	5- 1- 1

Carnival, License	5- 2-16
Carnival, License Fee	5- 2-22
C-1, Commercial District	11-9- 1
C-2, Commercial District	11-10-1
Cemetery, Mountain View	9- 8- 1
Certificate of Occupancy	11-16-1
Chief of Police, Bond	1- 5- 6
Cigarettes, Sale of to Minors	6- 1- 6
Circus, License	5- 2-16
Circus, License Fee	5- 2-22
City Pound	6- 3- 3
Civil Service Commission	2- 2- 1
Civil Service Commission, Budget	2- 2-32
Civil Service Commission, Dismissal Procedure	2- 2-29
Civil Service Commission, Examinations	2- 2-21
Civil Service Commission, Meetings	2- 2- 4
Civil Service Commission, Positions	2- 2-19
Civil Service Commission, Records	2- 2-11
Civil Service Commission, Secretary	2- 2- 8
Civil Service System	2- 2- 2
Code Amendments	1- 1- 3
Code, City	1- 1- 1
Code, Definitions	1- 3- 1
Codes	
Building	4- 1- 1
City	1- 1- 1
Electrical	4- 2- 1
Fire Prevention	7- 3- 1
Milk	8- 3- 1
Plumbing	4- 6- 1
Sanitary	8- 1- 1

Cohabitation, Lewd
Coin Operated Machines, License Fee
Coin Operated Machines, License Fee
Coin Operated Machines, License Required
Coin Operated Machines, Use of Slugs
Commercial Parking, Permit Fee
Commercial Parking, Permits
Commission, Civil Service
Commission, Meetings
Commission, Planning
Commission, Quorum
Commission, Term
Concealed Weapons
Concealing Knowledge
Containers, Abandoned
Cosmetic Therapy Schools, License Fee
Cosmetic Therapy Schools, License Fee
Cosmetic Therapy Schools, License Required
Court, Municipal
Court Proceedings
Curfew

6- 1- 7
5- 2-22
5-10- 2
5-10- 1
5-10- 5
10-5- 6
10-5- 6
2- 2- 1
1- 9- 2
2- 1- 1
1- 9- 3
1- 9- 1
6- 4- 6
6- 1- 8
6- 5- 1
5-16- 2
5- 2-22
5-16- 1
1-12- 2
1- 2- 3
6- 6- 1

Dance Halls
Dance Halls, Closing Hours
Dance Halls, License
Dance Halls, License Fee
Dance Halls, License Fees
Dance Halls, Minors
Dances, Sunday, Prohibited
Dangerous Buildings
Deadly Weapons, License, Permit
Definitions, Code
Delinquency, Encouraging
Department, Fire
Department, Police
Department, Recreation
Department, Water
Departments, Administrative
Disorderly Conduct
Disturbing the Peace
Dogs, Impoundment

5-12- 1
5-12-13
5-12- 8
5- 2-22
5-12-21
5-12-14
5-12- 4
4- 3- 1
6- 4- 1
1- 3- 1
6- 1- 9
3- 1- 1
3- 2- 1
3- 4- 1
3- 3- 1
1- 9- 5
6- 1-10
6- 1-11
6- 2- 2

Dogs, Impoundment Fees	6- 2- 4
Dogs, License Required, Fees	6- 2-10
Dogs, Running at Large	6- 2- 1
Drinking Establishments	8- 1- 1
Drinking Establishments, Alcohol, Sale to Minors	8- 1- 5
Drinking Establishments, License Required	8- 1- 2
Drinking in Public Places	5-15- 7
Drunk Driving	10-4- 1
Drunkenness	6- 1-12
Dry Cleaning Machines, Automatic	5-18- 1

Eating Establishments	8- 1- 1
Eating Establishments, License Required	8- 1- 2
Eating Establishments, Sale of Liquor to Minors	8- 1- 5
Electric Fences	6- 1- 5
Electrical Code	4- 2- 1
Electrical State Permits	4- 2- 5
Electrical Wires in Fire Zones	4- 2- 3
Electrical Wiring in Commercial Buildings	4- 2- 4
Electricians, License	4- 2- 2
Escape, Aid in	6- 1-13
Escapes	6- 1-14
Excavations, Permit Required	9- 4- 1
Expectorating on Sidewalks or in Public Buildings	6- 1-15

Fallout Shelters	4- 7- 1
False Pretenses	6- 1-16
False Representation	6- 1-17
Fees	
Advertising Matter, License	5- 2-22
Animal Impoundment	6- 3- 6
Auctioneers License	5- 2-22
Bill Posting, License	5- 2-22
Billiard Rooms, License	5- 2-22
Building Moving	4- 4- 3

Fees (Cont)

Carnivals, License	5- 2-22
Cemetery Lots	9- 8- 5
Circuses, License	5- 2-22
Coin Operated Machines, License	5- 2-22
Coin Operated Machines, License	5-10- 2
Commercial Parking Permit	10-5- 6
Cosmetic Therapy Schools, License	5- 2-22
Cosmetic Therapy Schools, License	5-16- 2
Dance Halls, License	5- 2-22
Dances, License	5-12-21
Dog License	6- 2-10
Electricians	4- 2- 2
Food Establishments, License	5- 2-22
Garbage, License	8- 4- 3
Hawkers, License	5- 2-22
Heating Installer	4- 2- 2
Hotels, License	5- 2-22
Interurban Stage Terminals	5- 8- 4
Junk Dealers, License	5- 2-22
Laundry Wagons, License	5- 2-22
Lodging Houses, License	5- 2-22
Merchant Patrol, License	5-13- 1
Merchant Patrolmen, License	5- 2-22
Moving Picture Shows, License	5- 2-22
Peddlers, License	5- 2-22
Photography, License	5- 2-22
Photography, License	5-11- 2
Plumbers	4- 2- 2
Pool Rooms, License	5- 2-22
Postage Stamp Machines, License	5- 2-22
Postage Stamp Machines, License	5-10- 3
Professions, License	5-21- 1
Rooming Houses, License	5- 2-22
Secondhand Dealers, License	5- 2-22
Sheet Metal Workers	4- 2- 2
Shooting Galleries, License	5- 2-22
Shops, License	5-21- 1
Shows, License	5- 2-22
Soft Drink Parlors, License	5- 2-22
Soft Drink Parlors, License	5-14- 4
Solicitors, License	5- 2-22
Trades, License	5-21- 1
Transfer Vehicles, License	5- 2-22
Transient, Merchants, License	5- 2-22
Vehicles for Hire, License	5- 2-22
Water	3- 3- 1

Fees (Cont)	
Witness	3- 2- 3
Woodsaws, License	5- 2-22
Financial Accounts	1-10- 3
Fire Alarm System, Tampering With	3- 1- 6
Fire Department	3- 1- 1
Fire Department, Compensation	3- 1- 5
Fire Department, Duties	3- 1- 2
Fire Department, Volunteer Members	3- 1- 4
Fire Prevention Code	7- 3- 1
Fire Zones	7- 1- 1
Fireworks	7- 2- 1
Food Establishments, License Fee	5- 2-22
For-Hire Vehicles, License Required	5- 7- 1
For-Hire Vehicles, Number of	5- 7- 2
For-Hire Vehicles, Rates	5- 7- 3

Gambling	6- 1-18
Garbage	8- 4- 1
Garbage, Collections	8- 4- 4
Garbage, Containers	8- 4- 8
Garbage, Contract	8- 4- 5
Garbage, License Fee	8- 4- 3
Garbage, License Required	8- 4- 2
General Offenses	6- 1-19
General Provisions; Off-Street Parking and Loading	11-18- 3
Gifts, Planning Commission	2- 1- 9
Grass, Parkings	9- 3- 3

Handbills, License Required	5- 3- 1
Handbills, Littering Streets Prohibited	5- 3- 3
Handbills, Posting Restrictions	5- 3- 2
Hawkers, License	5- 2-13
Hawkers, License Fee	5- 2-22
Hotels, License Fee	5- 2-22

-H-

Hotels, License Required
Hotels, Qualifications of License
Hotels, Register
Hotels, Revocation of License
Hypnotists

-L-

5- 5- 1
5- 5- 4
5- 5- 7
5- 5-13
6- 1-20

Indecent Exposure
Initiative and Referendum
Injurious Material on Thoroughfares
Interurban Stage Terminals
Interurban Stage Terminals, License Required

6- 1-21
1- 6- 1
6- 1-22
5- 8- 1
5- 8- 4

I

J

Jay Walking, Traffic
Judge, Municipal
Junk Dealers, License Fee
Junk, Keeping of
Junk Shops, License Required
Junk Shops, Purchase from Minors
Junk Shops, Register

10-2-15
1-12- 1
5- 2-22
6- 1-23
5- 9- 1
5- 9- 4
5- 9- 5

K

L

Laundries, Self-Service
Laundry Wagons, License
Laundry Wagons, License Fee
Legal Advisor, Attorney

5-19- 1
5- 2-19
5- 2-22
1-11- 4

License Fees	5- 2-22
License, Penalty	1- 4- 4
Licenses	
Advertising Matter	5- 2-22
Alcoholic Beverages	5-15- 3
Auctioneers	5- 2-12
Auctioneers	5- 2-22
Automatic Dry Cleaning Machines	5-18- 2
Bill Posting	5- 3- 1
Bill Posting	5- 2-22
Bowling Alleys	5- 2-22
Bowling Alleys	5- 2-18
Carnival	5- 2-16
Circuses	5- 2-16
Coin Operated Machines	5- 2-22
Coin Operated Machines	5-10- 1
Cosmetic Therapy Schools	5- 2-22
Cosmetic Therapy Schools	5-16- 1
Dance Halls	5- 2-22
Dances	5-12- 8
Dogs	6- 2-10
Electricians	4- 2- 2
Food Establishments	5- 2-22
For-Hire Vehicles	5- 7- 1
Garbage	8- 4- 2
Handbills	5- 3- 1
Hawkers	5- 2-13
Heating Installer	4- 2- 2
Hotels	5- 5- 1
Hotels	5- 2-22
Interurban Stage Terminals	5- 8- 4
Junk Dealers	5- 2-22
Junk Shops	5- 9- 1
Laundry Wagons	5- 2-19
Lodging Houses	5- 2-22
Merchant Patrol	5-13- 1
Merchant Patrolmen	5- 2-22
Moving Picture Shows	5- 2-15
Nursing Homes	5- 6- 2
Peddlers	5- 2-13
Photography	5- 2-22
Photography	5-11- 1
Plumbers	4- 2- 2

Licenses (Cont)

Postage Stamp Machines	5- 2-22
Professions	5-21- 1
Rooming Houses	5- 2-22
Rooming Houses	5- 5- 1
Secondhand Dealers	5- 2-22
Secondhand Dealers	5- 9- 1
Self-Service Laundries	5-19- 1
Sheet Metal Work	4- 2- 2
Shooting Galleries	5- 2-17
Shops	5-21- 1
Shows	5- 2-16
Soft Drink Parlors	5- 2-22
Soft Drink Parlors	5-14- 1
Solicitors	5- 2-22
Solicitors	5- 2-14
Trades	5-21- 1
Transfer Vehicles	5- 2-22
Transient Merchants	5- 2-21
Vehicles For Hire	5- 2-22
Weapons	6- 4- 1
Woodsaws	5- 2-20
Licenses, Expiration	5- 2- 3
Licenses, Posting	5- 2- 4
Licenses, Required	5- 2- 1
Licenses, Revocation	5- 2- 9
Lodging Houses, License Fee	5- 2-22
Loitering	6- 1-24
Lottery	6- 1-25
Lottery, Assisting in	6- 1-26
Loud Speakers	6- 1-27
Lug Wheels Prohibited	6- 1-28

Manager, Appointment

1- 7- 1

Manager, Bond

1- 5- 6

Manager, Powers and Duties

1- 7- 2

Map, Zoning

11-2- 2

Maps, Planning Commission

2- 1- 6

Merchant Patrol, License, Fee

5-13- 1

Merchant Patrol, Powers and Duties

5-13- 2

Merchant Patrolmen, License Fee

5- 2-22

Merchants, Transient	5- 2-21
Milk Code Adopted	8- 3- 1
M-1, Light Industrial District	11-12-1
M-2, Heavy Industrial District	11-13-1
Mountain View Cemetery	9- 8- 1
Mountain View Cemetery, Price of Lots	9- 8- 5
Moving Picture Shows, License Fee	5- 2-22
Municipal Court	1-12- 2
Municipal Judge, Appointment	1-12- 1
Municipal Judge, Jurisdiction	1-12- 3

N

Negligent Driving	6- 1-27.1
Nonconforming Uses	11-14-1
Nuisance, Weeds	9- 7- 2
Nuisances	8- 6- 1
Nuisances, Abatement by Owner	8- 6- 7
Numbering of Buildings	9- 6- 1
Nursing Homes	5- 6- 1
Nursing Homes, License Required	5- 6- 2
Nursing Homes, Licenses, Term	5- 6- 6
Nursing Homes, Records	5- 6- 9
Nursing Homes, Rules and Regulations	5- 6- 8
Nursing Homes, Zoning Restrictions	5- 6-14

O

Oath, Officers	1- 5- 4
Obscene Conduct	6- 1-29
Obscene Literature	6- 1-30
Obstructions, Permit Required	9- 5- 1
Offense, Aid to an	6- 1-31
Officers	1- 5- 1
Officers, Bond	1- 5- 6
Officers, Liability of	1- 4- 6
Officers, Oath	1- 5- 4
Officers, Qualifications	1- 5- 2
Officers, Salaries	1- 5- 7
Off-Street Parking and Loading	11-18- 3

Officers, Term of Office	1- 5- 3
Officers, Vacancies	1- 5- 5
Ordinances, Public Utility	1- 2- 2

Parades and Processions	10- 2- 8
Parking, Commercial	10- 5- 1
Parking, Double	10- 2-11
Parking Meters	
Deposit of Coins	10- 3- 4
Injury to	10- 3-13
Overtime Parking	10- 3- 7
Regulations	10- 3- 6
Slugs	10- 3-12
Ticket	10- 3-11
Parking; Off-Street	10-18- 1
Parkings, Grass	9- 3- 3
Parkings, Trees	9- 3- 1
Patrol, Merchant	5-13- 1
Peddlers, License	5- 2-13
Peddlers, License Fee	5- 2-22
Penalty, Default	1- 4- 2
Penalty, General	1- 4- 1
Penalty, Labor	1- 4- 3
Permits	
Automatic Dry Cleaning Machines	5-18- 2
Building Moving	4- 5- 1
Commercial Parking	10- 5- 1
Excavations	9- 4- 1
Milk	8- 3- 2
Obstructions	9- 5- 1
Pool, Billiard Rooms	5- 4- 1
Sewer	8- 5- 5
Trailer Houses, Temporary Parking	5-17- 4
Water	3- 3- 2
Weapons	6- 4- 1
Wires and Poles	9- 9- 1
Petit Larceny	6-11-32
Photography, Bond, License Fee	5-11- 2
Photography, License Fee	5- 2-22
Photography, License Required	5-11- 1
Photography, Permanent Business	5-11- 4
Pinball Machines	5-10- 4
Planning Commission	2- 1- 1

—	Planning Commission, Meetings	2- 1- 3
	Planning Commission, Officers	2- 1- 2
	Planning Commission, Powers and Duties	2- 1- 5
—	Plastic Bags or Coverings	6- 7- 1
	Playing Ball on Streets	6- 1-33
	Plumbers, License Fee	4- 2- 2
	Plumbing Code	4- 6- 1
—	Poles, Utility	9- 9- 5
	Police Department	3- 2- 1
	Duties	3- 2- 2
	Rewards	3- 2- 6
	Rules and Regulations	3- 2- 4
	Volunteer	3- 2- 7
—	Police Officers, Assistance to	6- 1-34
—	Police Power, Beyond City Limits	1- 4- 7
—	Pool Rooms	
	Application for Permit	5- 4- 1
	Exceptions	5- 4- 5
—	Operation Restrictions	5- 4- 2
	Minors Prohibited	5- 4- 3
	Revocation, Transfer of Permit	5- 4- 4
—	Postage Stamp Machines	5-10- 3
—	Postage Stamp Machines, License Fee	5- 2-22
—	Pound, City	6- 3- 3
—	Privies	8- 5- 3
—	Professions	5-21- 1
	Professions, License Fee	5-21- 4
	Professions, License Required	5-21- 3
—	Property, Malicious Injury to	6- 1-35
	Prostitution	6- 1-36
	Prostitution, House of	6- 1-37
—	Public Utility Ordinances	1- 2- 2

Q

R

—	Rebound Tumbling Centers	5-20- 1
	Rebound Tumbling Centers, Inspection	5-20-14
	Rebound Tumbling Centers, Insurance	5-20- 2
—	Rebound Tumbling Centers, Rules and Regulations	5-20- 4

Rebound Tumbling Centers, Sanitation
Recorder
Recorder, Bond
Recorder, To Issue License
Recreation Department
Referendum
Referendum, Petition
Residential Neighborhood Unit Plan
Resisting an Officer
Riot
Rodent Protection
R-1, One-Family Dwelling District
R-1A, One-Family Dwelling District
R-2, One-Family Dwelling District
R-3, Two-Family Dwelling District
R-4, Multiple Family Dwelling District
Rooming Houses, License Fee
Rooming Houses, License Required
Rooming Houses, Qualifications of License
Rooming Houses, Revocation of License

5-20-10
1-10- 1
1- 5- 6
1-10- 1
3- 4- 1
1- 6- 1
1- 6- 2
11-15-1
6- 1-38
6- 1-39
8- 7- 1
11-4- 1
11-5- 1
11-6- 1
11-7- 1
11-8- 1
5- 2-22
5- 5- 1
5- 5- 4
5- 5-13

Salaries, Officers
Sanitary Code Adopted
Saving Clause
Secondhand Dealers, License Fee
Secondhand Dealers, License Required
Secondhand Dealers, Purchase From Minors
Secondhand Dealers, Records
Self-Service Laundries
Self-Service Laundries, License Required
Sewer Connection Permit
Sewer Connection Required
Sewer District, Connections Outside
Sewer Regulations
Sexton
Shelters, Fallout
Shooting Galleries, License
Shooting Galleries, License Fee
Shops
Shops, License Fee
Shops, License Required

1- 5- 7
8- 1- 1
1- 2- 1
5- 2-22
5- 9- 1
5- 9- 4
5- 9- 3
5-19- 1
5-19- 2
8- 5- 5
8- 5- 1
8- 5-13
8- 5- 1
9- 8- 3
4- 7- 1
5- 2-17
5- 2-22
5-21- 1
5-21- 4
5-21- 3

Shows, License	5- 2-15
Sidewalk, Obstruction	9- 5- 3
Sidewalks	9- 1- 1
Signs	4- 5- 1
Signs, Fire Zones	4- 5- 2
Signs, Height	4- 5- 1
Signs, Nonconforming	11-14-2
Sleds, Behind Cars	10-2- 2
Slugs, Deposit in Coin Box	5-10- 5
Soft Drink Parlors, License Fee	5-14- 4
Soft Drink Parlors, License Required	5-14- 1
Soft Drink Parlors, Sale of Liquor Prohibited	5-14- 2
Solicitors, License	5- 2-14
Solicitors, License Fee	5- 2-22
Sound Trucks	6- 1-27
Sprinkling, Hours	3- 3-17
State Permits	4- 2- 5
State Plumbing Code	4- 6- 1
State Vehicle Law Adopted	10-1- 1
Street Sales Prohibited	10-6- 2
Subdivision, Final Plan	9-10- 5
Subdivision, Regulations	9-10- 1
Swindling	6- 1-49

Therapy Schools, Cosmetic	5-16- 1
Tobacco, Sale of to Minors	6- 1- 6
Tourist Facilities	8- 2- 1
Trades	5-21- 1
Trades, License Fees	5-21- 4
Trades, License Required	5-21- 3
Traffic, Commercial Parking	10-5- 1
Traffic, District Restriction	10-6- 1
Traffic, Drunk Driving	10-4- 2
Traffic, Parking Meters	10-3- 1
Traffic, Regulations	10-1- 1
Traffic, Rules	10-2- 1
Trailer Houses	5-17- 1
• Trailer Houses, Emergency Parking	5-17- 2
Trailer Houses, Temporary Parking Permit	5-17- 4
Transfer Vehicles, License Fee	5- 2-22
Transient Merchants, License	5- 2-21

-T-

Transient Merchants, License Fee	5- 2-22
Treasurer, Appointment	1- 8- 1
Treasurer, Bond	1- 5- 6
Treasurer, Duties	1- 8- 2
Trees, Planting on Parkings	9- 3- 1
Trees, Trimming	9- 3- 2
Trespassing	6- 1-41
Tumbling Centers, Rebound	5-20- 1

U

Uniform Building Code	4- 1- 1
U.S. Public Health Service Ordinance	8- 3- 1
Utility Wires and Poles	9- 9- 1
Utility Wires and Poles, Permits	9- 9- 2
U-Turns	10-2- 2

V

Vacancies, Officers	1- 5- 5
Vagrancy	6- 1-42
Vehicles, Abandoned	10-2-16
Vehicles, Drinking in	10-4- 2
Vehicles For Hire, License Fee	5- 2-22
Vehicles For Hire, License Required	5- 7- 1
Vehicles For Hire, Number of	5- 7- 2
Vehicles For Hire, Rates	5- 7- 3
Volunteer Members, Fire Department	3- 1- 4
Volunteer Members, Police Department	3- 2- 7

W

Walls, Retaining	9- 2- 1
Water Department	3- 3- 1
Water, Fee	3- 3- 1
Water, Flowing Upon Streets	6- 1-43

T

Water, Permit Required	3- 3- 2
Water Rates	3- 3-28
Water, Sprinkling, Hours	3- 3-17
Water, Stopcocks and Shut-Off Boxes	3- 3- 6
Water, Waste of	3- 3-12
Weapons, Deadly	6- 4- 1
Weapons, Deadly, License, Permit	6- 4- 1
Weapons, Furnishing to Prisoners	6- 1-44
Weeds	9- 7- 1
Weeds, Abatement	9- 7- 4
Window Sills to be Kept Clear	6- 1-45
Wires	9- 9- 5
Witness Fees	3- 2- 3

Zones, Fire	7- 1- 1
Zoning, B, Business District	11-11-1
Zoning Board of Adjustment	2- 3- 1
Zoning Board of Adjustment, Appeals	2- 3- 3
Zoning Board of Adjustment, Powers	2- 3- 4
Zoning, C-1, Commercial District	11-9- 1
Zoning, C-2, Commercial District	11-10-1
Zoning, Certificate of Occupancy	11-16-1
Zoning, Definitions	11- 1-2
Zoning, District, Map	11- 2-2
Zoning Districts	11- 2-1
Zoning Districts, Boundaries	11- 2-3
Zoning, General Provisions	11- 3-1
Zoning, Interpretation and Enforcement	11-17-1
Zoning, M-1, Light Industrial District	11-12-1
Zoning, M-2, Heavy Industrial District	11-13-1
Zoning, Nonconforming Uses	11-14-1
Zoning, Public Parking Area	11-3- 2
Zoning, R-1, One-Family Dwelling District	11-4- 1

Zoning, R-1A, One-Family Dwelling District	11-5- 1
Zoning, R-2, One-Family Dwelling District	11-6- 1
Zoning, R-3, Two-Family Dwelling District	11-7- 1
Zoning, R-4, Multiple Family Dwelling District	11-8- 1
Zoning, Residential Neighborhood Unit Plan	11-15-1