

ORDINANCE 2020-17

AN ORDINANCE AMENDING THE CORVALLIS MUNICIPAL CODE TO BE MORE INCLUSIVE AND USE GENDER NEUTRAL LANGUAGE; REMOVING CHAPTER 1.27 ON MEASURE 37 AND THE OFFENSE OF HOSTING A PARTY FOR MINORS-ALCOHOL

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 1.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 2. Municipal Code Chapter 1.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 3. Municipal Code Chapter 1.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 4. Municipal Code Chapter 1.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 5. Municipal Code Chapter 1.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 6. Municipal Code Chapter 1.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 7. Municipal Code Chapter 1.09 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 8. Municipal Code Chapter 1.12 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 9. Municipal Code Chapter 1.15 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 10. Municipal Code Chapter 1.16 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 11. Municipal Code Chapter 1.23 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 12. Municipal Code Chapter 1.25 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 13. Municipal Code Chapter 1.27 is hereby removed as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 14. Municipal Code Chapter 2.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 15. Municipal Code Chapter 2.11 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 16. Municipal Code Chapter 2.15 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 17. Municipal Code Chapter 2.19 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 18. Municipal Code Chapter 3.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 19. Municipal Code Chapter 3.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 20. Municipal Code Chapter 3.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 21. Municipal Code Chapter 3.08 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 22. Municipal Code Chapter 3.09 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 23. Municipal Code Chapter 4.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 24. Municipal Code Chapter 4.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 25. Municipal Code Chapter 4.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 26. Municipal Code Chapter 5.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 27. Municipal Code Chapter 5.02 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 28. Municipal Code Chapter 5.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 29. Municipal Code Chapter 5.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 30. Municipal Code Chapter 5.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 31. Municipal Code Chapter 5.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 32. Municipal Code Chapter 6.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 33. Municipal Code Chapter 6.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 34. Municipal Code Chapter 6.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 35. Municipal Code Chapter 6.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 36. Municipal Code Chapter 6.08 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 37. Municipal Code Chapter 6.10 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 38. Municipal Code Chapter 6.11 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 39. Municipal Code Chapter 6.13 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 40. Municipal Code Chapter 6.14 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 41. Municipal Code Chapter 6.15 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 42. Municipal Code Chapter 6.17 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 43. Municipal Code Chapter 7.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 44. Municipal Code Chapter 7.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 45. Municipal Code Chapter 7.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 46. Municipal Code Chapter 7.08 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 47. Municipal Code Chapter 8.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 48. Municipal Code Chapter 8.02 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 49. Municipal Code Chapter 8.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 50. Municipal Code Chapter 8.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 51. Municipal Code Chapter 8.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 52. Municipal Code Chapter 8.09 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 53. Municipal Code Chapter 8.11 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 54. Municipal Code Chapter 8.12 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 55. Municipal Code Chapter 8.14 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 56. Municipal Code Chapter 9.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 57. Municipal Code Chapter 9.02 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 58. Municipal Code Chapter 9.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 59. No other provision in the Municipal Code is amended by this ordinance.

PASSED by the City Council this 21st day of September, 2020

APPROVED by the Mayor this 22nd day of September, 2020

EFFECTIVE this 2nd day of October, 2020

DocuSigned by:
Biff Traber
C931E9D22C1D4A4...

Mayor

ATTEST:

DocuSigned by:
Carla Holyworth
52638DC2B1C446A...

City Recorder

**ORDINANCE 2020-17
EXHIBIT A**

**Chapter 1.01
GENERAL PROVISIONS**

Section 1.01.020 – Definitions.

The following definitions and rules of construction apply to the Code, unless inconsistent with the intent of the Council or the context clearly requires otherwise:

- 1) City. The City of Corvallis, Oregon, and the area within its boundaries, including its boundaries as extended in the future.
- 2) City Attorney. The City Attorney of the City of Corvallis or a designated representative of that office.
- 3) City Engineer. The City Engineer of the City of Corvallis or a designated representative of that office.
- 4) City Manager. The City Manager of the City of Corvallis or a designated representative of that office.
- 5) Code. The municipal code of the City of Corvallis, Oregon.
- 6) Council. The City Council of the City of Corvallis, Oregon.
- 7) Fire Chief. The Fire Chief of the City of Corvallis or a designated representative of that office.
- 8) Holiday. Holiday shall have the same meaning as defined in ORS 187.010(1) and 187.020(2), or as otherwise specified by City rules and regulations.
- 9) Legislative body. The Council of the City of Corvallis.
- 10) Municipal Court or Court. The Municipal Court for the City of Corvallis.
- 11) Municipal Judge or Judge. The Municipal Judge of the City of Corvallis or a designated representative of that office.
- 12) ORS. Oregon Revised Statutes.
- 13) Person. Any individual, firm, partnership, unincorporated association, public or private corporation, government or government instrumentality.
- 14) Police Chief. The Chief of Police of the City of Corvallis or a designated representative of that office.
- 15) Recorder. The City Recorder of the City of Corvallis or a designated representative of that office.
- 16) State. The State of Oregon.
(Ord. 2020-17 § 1, 09/21/2020; Ord. 92-34 § 4, 1992)

**Chapter 1.03
NOMINATING PROCEDURES**

Sections:

1.03.010 – Definitions.

1.03.020 – Contents of petition.

Section 1.03.010 – Nominee requirements.

Nominees for all elective offices of the City must:

1) Be qualified electors of the City.

2) Have resided in the City one year immediately preceding the election at which the nominee is a candidate. In elective offices other than Mayor, the nominee must reside in the ward from which the nominee is seeking nomination at the time the nomination petition is filed. Nomination for the elective officers of the City shall be by petition specifying the position sought in a form prescribed by Council. Petitions for Mayor shall be signed by not fewer than 100 qualified electors of the City and petitions for Council by not fewer than 20 qualified electors of the City. In petitions for nomination for elective officers other than Mayor, all 20 electors must be residents of the ward or other political subdivision from which the petitioner seeks the nomination. The signatures to a nomination petition need not all be appended to one paper; but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in the presence of the circulator and is the genuine signature of the person whose name it purports to be. All nomination papers comprising a petition shall be assembled and filed at the office of the City Recorder as one instrument not earlier than 99 days and not later than 5:00 pm on the eighty-first day before the election.

The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the persons who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a different petition for the same candidate may be filed within the regular time for filing nomination petitions. The Recorder shall notify an eligible person of the nomination within five days after verification of signatures on the petition and shall cause the person's name to be printed on the ballot. The petitions of nomination and withdrawals shall be preserved in the office of the City Recorder as required by State law. A person wishing to withdraw as a candidate must do so in writing with the City Recorder; and if legally possible, the City Recorder shall prevent the name of such a candidate from being printed on the ballot.

(Ord. 2020-17§ 2, 09/21/2020; Ord. 81-29, 1981; Ord. 78-34, 1978; Ord. 77-09, 1977; Ord. 54-32 § 1, 1954)

Section 1.03.020 – Contents of petition.

1) No petition for nomination shall contain the name of more than one candidate.

2) Each petition for nomination shall contain:

a) The name of the candidate by which the candidate is commonly known and by which the candidate transacts important, private or official business. A nickname may be used in parentheses in connection with the candidate's full name.

- b) The mailing address of the residence of the candidate.
- c) The office for which the candidate seeks election.
- d) A statement that the candidate is willing to accept the nomination or election.
- e) A statement that the candidate will qualify if elected.
- f) The signature of the candidate.

3) Attached to each petition for nomination shall be a sheet or sheets containing:

- a) For the nomination of a candidate for the office of Mayor, the signatures of 100 or more qualified electors of the City.
- b) For the nomination petition of a candidate for the office of Councilor, the signatures of 20 or more qualified electors who are residents of the ward from which the candidate seeks nomination.
- c) With each signature to a nominating petition, the signer's residence address and precinct number and, in the nominating petitions for the office of Councilor, the ward in which the signer resides.

(Ord. 2020-17§ 2, 09/21/2020; Ord. 81-29, 1981; Ord. 77-09, 1977; Ord. 70-125, 1970; Ord. 54-32 § 2, 1954)

Chapter 1.04 PURCHASING

Section 1.04.050 – Prohibition of interest.

No officer or employee of the City shall use an official position or office to obtain financial gain, other than official salary, for the officer or the employee or for any household member, or for any business with which the officer or employee, or a household member, is associated.

(Ord. 2020-17§ 3, 09/21/2020; Ord. 2005-01 § 2, 02/07/2005; 99-08, Amended, 06/21/1999)

Chapter 1.05 JURY TRIALS

Sections:

- 1.05.020 – Demand for jury trial.**
- 1.05.100 – Selection of jurors for trial service; summons.**
- 1.05.130 – Additional jurors for trial service.**

Section 1.05.020 – Demand for jury trial.

The right to a jury trial shall be exercised by giving notice in writing to the Municipal Judge that a trial by jury is demanded. Such notice shall be signed by the defendant or defendant's attorney and shall be effective only if given not less than seven days before the date set for trial of the case.

(Ord. 2020-17§ 4, 09/21/2020; Ord. 91-14 § 2, 1991; Ord. 71-16, 1971; Ord. 63-10 § 2, 1963)

Section 1.05.100 – Selection of jurors for trial service; summons.

When a jury trial has been demanded as provided in Section 1.05.020 herein and the date of jury trial has been set, the Municipal Judge or designee shall draw 30 ballots from the jury box. If the defendant has specified in the written demand for jury trial described in Section 1.05.020 herein the desire to be present or represented at the drawing of ballots from the jury box, not less than three days before the drawing the Municipal Judge or designee shall give written notice by ordinary mail to the defendant or defendant’s attorney and to the City Attorney indicating the time and place where the ballots shall be drawn.

(Ord. 2020-17§ 4, 09/21/2020; Ord. 91-14 § 10, 1991; Ord. 63-10 § 10, 1963)

Section 1.05.130 – Additional jurors for trial service.

When the number of jurors summoned does not appear at the time and place of trial or when the Municipal Judge or designee determines that the number of jurors to appear is likely to become exhausted before a jury is duly empaneled, additional names may be drawn from the jury box and the jurors so drawn summoned in the manner provided in Section 1.05.120 herein, or in person, if there is insufficient time to give the notice provided in Section 1.05.120 herein.

(Ord. 2020-17§ 4, 09/21/2020; Ord. 91-14 § 13, 1991; Ord. 63-10 § 13, 1963)

Chapter 1.06
DELEGATION OF DUTIES

Section 1.06.010 – Delegation of powers.

1) That the City Manager of the City is hereby authorized to delegate to any employee of the City who is under the direct supervision and control of the City Manager any and all administrative duties imposed upon the City Manager by ordinances, resolutions, or policies of the City.

2) This Chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative duties and functions for which the City Manager is held responsible under the terms of the ordinances, resolutions, and policies of the City.

3) Any acts done by any employee who is under the direct supervision and control of the City Manager and done pursuant to a delegation of authority given by the City Manager to said employee shall be deemed to be done by the City Manager of the City as required by the ordinances, resolutions, and policies thereof.

4) This Chapter shall not be construed to make the City Manager liable for any damage or injury caused by a negligent or willful act or omission of any such employee.

(Ord. 2020-17§ 5, 09/21/2020; Ord. 63-56, 1963)

Chapter 1.07
AUXILIARY POLICE UNIT

Section 1.07.040 – Delegation of powers.

Upon acceptance for membership in the auxiliary police unit, the applicant shall take the same oath of office as a regular patrol officer and be fingerprinted. Any member of the auxiliary police unit may be dismissed by the City Manager or the Chief of Police on written notice, with or without cause, and the

member shall have no right to a hearing or specifications of charges, nor shall the member have any claim against the Manager, the Chief of Police, or the City on account of dismissal.

(Ord. 2020-17§ 6, 09/21/2020; Ord. 66-95 § 4, 1966)

**CHAPTER 1.09
APPOINTMENT OF COUNSEL**

Sections:

1.09.010 – Right to counsel.

1.09.020 – Appointment of counsel.

Section 1.09.010 – Right to counsel.

If a defendant appears in the Municipal Court for arraignment without counsel, the court shall inform the defendant of defendant’s right to have counsel prior to arraignment and shall ask Defendant if the aid of counsel is desired.

(Ord. 2020-17§ 7, 09/21/2020; Ord. 72-65, 1972; Ord. 69-114 § 1, 1969)

Section 1.09.020 – Appointment of counsel.

If, upon arraignment of a person accused in the Municipal Court of a violation of a law of this City, the person being arraigned appears without counsel, the Court shall appoint suitable counsel to represent the person if:

- 1) The accused requests aid of counsel.
- 2) The accused makes a verified financial statement and provides other information in writing under oath showing the inability to obtain counsel and provides any other information required by the Court as to that inability.
- 3) It appears to the Court that the accused is without means and is unable to obtain counsel.

(Ord. 2020-17§ 7, 09/21/2020; Ord. 72-65, 1972; Ord. 69-114 § 2, 1969)

**CHAPTER 1.12
GENERAL OBLIGATION IMPROVEMENT WARRANTS**

Section 1.12.020 – Terms and conditions.

All general obligation improvement warrants issued by the City shall be subject to such terms and conditions as the City Manager may require, in the City Manager’s reasonable discretion.

(Ord. 2020-17§ 8, 09/21/2020; Ord. 73-18 § 2, 1973)

**CHAPTER 1.15
ADMINISTRATIVE SEARCH WARRANTS**

Sections:

1.15.030 – Procedure for issuing search warrant.

1.15.040 – Execution of search warrant.

Section 1.15.030 – Procedure for issuing search warrant.

1) Before issuing any search warrant, the Municipal Judge shall examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2) If the Municipal Judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, the Municipal Judge may issue the warrant, particularly describing the same and title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 am and 6:00 pm, or where the Municipal Judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(Ord. 2020-17§ 9, 09/21/2020; Ord. 79-27 § 3, 1979)

Section 1.15.040 – Execution of search warrant.

1) Except as provided in subsection 2) of this Section, in executing a search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show the warrant or a copy thereof upon request.

2) In executing a search warrant, the person authorized to execute the warrant need not inform anyone of the person’s authority and purpose, as prescribed in subsection 1) of this Section, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition.

3) A peace officer may be requested to assist in the execution of the warrant.

4) A warrant must be executed and returned to the Municipal Judge by whom it was issued within 10 days from its date, unless such Municipal Judge before the expiration of such time, by endorsement thereon, extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

(Ord. 2020-17§ 9, 09/21/2020; Ord. 79-27 § 4, 1979)

**CHAPTER 1.16
BOARDS AND COMMISSIONS**

Sections:

1.16.060 – Ethics and compensation.

1.16.235 – Planning commission.

Section 1.16.060 – Ethics and compensation.

1) Members of boards and commissions shall comply with the provisions of the State code of ethics found in ORS 244.040.

2) No member of any board or commission shall receive any compensation for serving as a member of said board or commission.

(Ord. 2020-17§ 10, 09/21/2020; Ord. 81-99 § 6, 1981)

Section 1.16.235 – Planning commission.

1) Hereby is created a City Planning Commission for the City of Corvallis, Oregon. The Planning Commission is created pursuant to ORS 227.020.

2) The City Planning Commission shall consist of nine members to be appointed by Council. No more than two voting members of the Commission may be engaged principally in the buying, selling, or developing of real estate for profit as individuals or be members of any partnership or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit. In the interest of ensuring a balanced, community-wide perspective on the Planning Commission, no more than two members shall be engaged in the same kind of occupation, business, trade, or profession.

3) Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsection 2) and a list of the occupations of existing commissioners. After receiving applications Council may conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Planning Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Planning Commission.

4) Five members of the City Planning Commission shall constitute a quorum. If a quorum cannot be obtained because five (5) or more members have a conflict of interest, the quorum requirement shall be reduced to three (3) for that issue only.

5) A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member; a spouse of a member; a brother, sister, child, parent, father-in-law, mother-in-law of a member; any business in which the member is then serving or has served within the previous two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. Examples of conflict of interest include:

- a) The member owns property within the area entitled to receive notice of the public hearing;
- b) The member has a direct private interest in the proposal; and
- c) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

6) The Commission shall have the authority which is now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the City and ORS 227.090, and other State laws.

The Planning Commission shall function primarily as a comprehensive planning body proposing policy and legislation to Council related to the coordination of the growth and development of the community. The functions of the Planning Commission shall include, but not be limited to, the following:

- a) Review the Comprehensive Plan and make recommendations to Council concerning Plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.
- b) Formulate and recommend legislation to implement the Comprehensive Plan.
- c) Review and recommend detailed plans including functional plans which relate to public facilities and services, and subarea plans which relate to specific areas of the community to implement the Comprehensive Plan.
- d) Assist in the formulation of the Capital Investment Plan [Capital Improvement Program] and submit periodic reports and recommendations relating to the integration and conformance of the plan with the Comprehensive Plan.
- e) Review and make recommendations concerning any proposed annexation.
- f) Conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by the Land Development Code.
- g) Advance cooperative and harmonious relationships with other planning commissions, public and semi-public agencies and officials, and civic and private organizations to encourage the coordination of public and private planning and development activities affecting the City and its environs.
- h) Study and propose, in general, such measures regarding land development as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare.

(Ord. 2020-17§ 10, 09/21/2020; Ord. 98-45 § 3, 11/11/1998; Ord. 82-6 §§ 2, 3, 1982; Ord. 81-99 § 60, 1981)

CHAPTER 1.23 CIVIL RIGHTS

Sections:

- 1.23.020 – Intent.**
- 1.23.030 – Definitions.**
- 1.23.040 – Exceptions.**
- 1.23.090 – Authority of City Attorney to adopt rules.**

Section 1.23.020 – Intent.

1) It is the intent of the City that no person be denied the equal protection of the laws, nor shall any person be denied the enjoyment of civil or political rights or be discriminated against because of age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income. Nothing herein contained shall be construed to prohibit any affirmative laws passed by any level of government.

(Ord. 2020-17§ 11, 09/21/2020; Ord. 2007-09 § 4, 05/07/2007; Ord. 92-41 § 2, 12/07/92)

Section 1.23.030 – Definitions.

- 1) Sexual orientation. Actual or supposed male or female homosexuality, heterosexuality or bisexuality.
- 2) Gender identity or expression. Refers to an individual's gender related self-identity, appearance, expression or behavior, regardless of the individual's assigned sex at birth.
- 3) Source of Income. The means by which a person supports themselves and any dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.
- 4) All other terms used in this Chapter are to be defined as in Oregon Revised Statutes Chapter 659A or Corvallis Municipal Code Chapter 1.01.

(Ord. 2020-17§ 11, 09/21/2020; Ord. 2007-09 § 5, 05/07/2007; Ord. 92-41 § 3, 12/07/92)

Section 1.23.040 – Exceptions.

- 1) The prohibitions in this Chapter against discriminating on the basis of sexual orientation do not apply:
 - a) To the leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as a residence;
 - b) To dwellings with not more than two individual living units where one of the units is owner occupied;
 - c) To bona fide church or sectarian religious organizations, including churches, temples, synagogues, religious schools, or other facilities used primarily for religious purposes.
- 2) The prohibitions of this Chapter against discriminating on the basis of source of income do not prohibit:
 - a) Inquiry into and verification of a source or amount of income;
 - b) Inquiry into, evaluation of, and decisions based on the amount, stability, security or creditworthiness of any source of income;
 - c) Screening prospective purchasers and tenants on bases not specifically prohibited by this Chapter or state or federal law;
 - d) Refusal to contract with a governmental agency under 42 U.S.C. § 1437f(a) "Section 8".

(Ord. 2020-17§ 11, 09/21/2020; Ord. 92-41 § 4, 12/07/92)

Section 1.23.090 – Authority of City Attorney to adopt rules.

1) The City Attorney is hereby authorized to adopt rules, procedures and forms to assist in the implementation of the provisions of this Chapter.

2) Any rule adopted pursuant to this Section shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full text of the proposed rules may be obtained.

3) During the public review, a designee of the City Attorney shall hear testimony or receive written comment concerning the proposed rules. The City Attorney shall review the recommendation of the designee, taking into consideration the comments received during the public review process, and shall either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the hearing at which the original comments are received.

4) Unless otherwise stated, all rules shall be effective upon adoption by the City Attorney and shall be filed in the office of the City Recorder.

5) Notwithstanding paragraphs 2) and 3) of this Section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties. The finding shall state the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

(Ord. 2020-17§ 11, 09/21/2020; Ord. 92-33, 10/19/92)

**CHAPTER 1.25
LIVING WAGE**

Sections:

1.25.080 – Complaint process.

1.25.090 – Penalties.

Section 1.25.080 – Complaint process.

1) Employees who believe that a Living Wage has not been paid for the time worked on City of Corvallis projects may file a written complaint with the City of Corvallis, City Manager, or a designee of that office during the term of the contract.

2) Within five working days, the City shall request in writing records for the City's inspection from the employer. The City may also request pay stubs, or copies of paychecks from the complaining individual.

3) City staff will audit the payroll records and the employee's records for compliance with the City's Living Wage chapter of the Corvallis Municipal Code. The audit report will outline and detail all findings of non-compliance with the City's Living Wage legislation. The audit report will be given to the contractor and the City Manager or a designee of that office and to the complainant.

(Ord. 2020-17§ 12, 09/21/2020; Ord. 2001-11, § 3, 08/06/2001; Ord. 2000-07 § 8, 04/03/2000)

Section 1.25.090 – Penalties.

- 1) Contractors who are found to be in violation of this section of the Municipal Code based on the audit identified in section 1.25.080 of the code will have 15 calendar days to correct any violations, including paying employees the Living Wage retroactively to the beginning of the contract term. If the violations are not corrected within 15 calendar days, the City will terminate the current contract for the public good and disqualify the contractor from doing business with the City for one year.
- 2) A contractor who is found to be in violation of the Living Wage more than one time, and who fails to correct the violation with 15 days, shall be barred from doing business with the City for five years.
- 3) Liability for payment of the Living Wage rests solely with the contractor. The City shall not be held liable for any incorrectly paid amounts.
- 4) The employee or the employer may appeal staff's findings that a violation of the Living Wage had occurred in writing to the City Manager within 15 calendar days. The appeal must state why the employee or employer believes staff's findings were in error, and must include any documents available to support the appeal. The City Manager will issue a decision within 15 calendar days. The City Manager's decision is final.

(Ord. 2020-17§ 12, 09/21/2020; Ord. 2001-11, § 4, 08/06/2001; Ord. 2000-07 § 9, 04/03/2000)

**CHAPTER 2.03
STREET CUTS**

Sections:

- 2.03.030 – Security.**
- 2.03.040 – Permits.**
- 2.03.060 – Adherence to and exhibition of permits.**
- 2.03.110 – Option to City to replace pavement.**

Section 2.03.030 – Security.

Before the issuance of any permit, the City Engineer shall require the applicant to file as security either:

- 1) A surety bond in an amount fixed by the City Engineer, but not to exceed \$500.00, conditioned that the applicant will, immediately upon the completion of the work, remove all surplus earth, rubbish, or other material, replace the pavement cut or undermined in a condition as good as or better than it was before, and keep the same in good repair, at the applicant’s own expense, for a period of time to be designated by the City Engineer but not to exceed one year from the completion of said work;
- 2) Cash or certified checks in an amount equal to twice the estimated replacement value of the pavement to be cut, together with the cost of reexcavation and refilling with proper material, if necessary, as determined by the City Engineer, to be held and returned subject to the same conditions as set forth above in the case of surety bonds; or
- 3) A blanket surety bond to cover all street cuts made by any particular applicant for a period of one year in an amount to be fixed by the City Engineer, but not to exceed \$5,000.00, and subject to the same conditions as stated above with reference to bonds for particular street cuts.

Provided, however, that in the case of unimproved streets no security shall be required, unless, in the opinion of the City Engineer, such security is necessary for the protection of the public interest.

(Ord. 2020-17§ 13, 09/21/2020; Ord. 62-26 § 3, 1962)

Section 2.03.040 – Permits.

If the City Engineer is satisfied that the excavation, cut or tunnel is feasible and proper, that the said application has been made in due form, and that adequate security has been filed, as required by the provisions herein, the City Engineer shall issue a permit which shall designate: The name and address of the person to whom the permit is granted; the date of the issuance of the permit; the street or streets to be cut or tunneled under; the nature of the street surface or pavement involved; the purpose of the work; the size and nature of the cut or excavation; the estimated cost of restoration; the nature and amount of security deposited; the time within which the work is to be completed, as determined by the City Engineer; and such other restrictions as may be deemed necessary or proper by the City Engineer for the safety of the public and the protection of public interests. A permit fee in the amount provided in Section 8.03.110 herein shall be paid in advance for a permit.

(Ord. 2020-17§ 13, 09/21/2020; Ord. 71-98, 1971; Ord. 62-26 § 4, 1962)

Section 2.03.060 – Adherence to and exhibition of permits.

No work shall be undertaken other than that specified in the application and permit for the particular cut or excavation. Upon demand of the City Engineer, an assistant to the City Engineer, or any City police officer, said permits shall be produced at the place where the work is in progress; or such work shall be stopped until said permit is produced.

(Ord. 2020-17§ 13, 09/21/2020; Ord. 62-26 § 6, 1962)

Section 2.03.110 – Option to City to replace pavement.

Whenever, in the opinion of the City Engineer, it would be to the best interests of the City for the City itself to replace or repair the street surface or pavement cut, dug up, damaged, tunneled under, or undermined under the provisions herein, such work shall be done by the City under the direction of the City Engineer and the cost of said work shall be either charged to the person to whom the permit for the said cut or excavation has been granted or deducted from the security deposited with the City Engineer.

(Ord. 2020-17§ 13, 09/21/2020; Ord. 62-26 § 11, 1962)

**CHAPTER 2.11
DEFERRED PAYMENT OF ASSESSMENT**

Sections:

2.11.020 – Election to defer.

2.11.030 – Prerequisite for deferral.

2.11.090 – Voluntary payment of deferred charges.

Section 2.11.020 – Election to defer.

1) Notwithstanding any provision of Chapter 2.08 or Chapter 4.03 and subject to Section 2.11.030, an individual may elect to defer payment of the amount of City systems development charges (SDC), or infrastructure cost recovery charges to the individual's homestead due and

payable during the calendar year for which the election is made. The election shall be made by filing a claim for deferral with the Community Development Director.

2) If a guardian or conservator has been appointed for an individual otherwise qualified to obtain the deferral of payment of SDC's, and infrastructure cost recovery charges accorded hereunder, the guardian or conservator may act for such individual in complying with this Chapter.

(Ord. 2020-17§ 14, 09/21/2020; Ord. 2003-29 § 2, 09/15/2003; Ord. 83-74 § 2, 1983)

Section 2.11.030 – Prerequisite for deferral.

In order to qualify for deferral of payment of SDCs, and/or infrastructure cost recovery charges hereunder, the individual filing the claim for deferral, the homestead and dwelling unit with respect to which the claim is filed, and the amount of the deferral must meet the following requirements at the time the claim for deferral is filed and thereafter so long as payment of the amount of SDCs, and/or infrastructure cost recovery charges are deferred:

1) The individual filing the claim, individually or together with a co-owner, must own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale.

2) The property with respect to which the claim is filed must be the homestead of the individual who files the claim for deferral as well as the homestead's co-owner if it is owned jointly.

3) The dwelling unit on the property with respect to which the claim is filed did not require the issuance of a building permit from the City to accomplish construction work other than connection to the City infrastructure which generated the SDC or infrastructure cost recovery charges.

4) The household income, as defined in Section 2.11.010, of the individual filing the claim must have been 50% or less of the Corvallis median income as determined annually by the U.S. Department of Housing and Urban Development for the calendar year immediately preceding the calendar year in which the initial claim for deferral of SDC's, and/or infrastructure cost recovery charges is filed.

5) The amount of the deferral must not be more than the County Assessor's real market value of the property with respect to which the claim is filed minus the combined total principal balance and accrued interest on all prior liens.

6) The homestead is the only structure existing on the parcel, excepting accessory structures.

(Ord. 2020-17§ 14, 09/21/2020; Ord. 2003-29 § 3, 09/15/2003; Ord. 83-74 § 3, 1983)

Section 2.11.090 – Voluntary payment of deferred charges.

1) Subject to subsection 2) of this Section, all or a part of the amounts deferred, and accrued interest, may at any time be paid to the City by:

a) The individual who filed the claim for deferral or the co-owner.

b) The next of kin of the individual who filed the claim for deferral, an heir at law, a child, or any person having or claiming a legal or equitable interest in the property.

2) Any payments made under this Section shall be applied first against accrued interest and any remainder against the principal balance. A payment made pursuant to this Section does not affect the deferred status of the homestead. Unless otherwise provided by law, the payment does not give the person paying the deferred amount any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

(Ord. 2020-17§ 14, 09/21/2020; Ord. 2003-29 § 5, 09/15/2003; Ord. 83-74 § 9, 1983)

**CHAPTER 2.15
SIDEWALK IMPROVEMENTS**

Sections:

2.15.020 – Improvements required.

2.15.090 – Order; notice to owner.

Section 2.15.020 – Improvements required.

1) All owners of land adjoining any public street in the City shall construct, reconstruct, repair, and maintain in good condition the sidewalks and driveway approaches within the public right-of-way in front of, along, or abutting the property owner’s land in accordance with the provisions of this Chapter. Construction, reconstruction, repair, and maintenance of sidewalks and driveway approaches is declared to be a routine obligation of the adjacent property owner and deemed necessary to protect the health and safety of persons in the City.

2) The City Manager shall, at such times as the City Manager determines appropriate, survey or inspect the condition of sidewalks in all or any part of the City. When a survey or inspection reveals sidewalk conditions that may pose a threat to the health and safety of persons in the City, the City Manager may issue an order to repair the sidewalk pursuant to Section 2.15.090.

(Ord. 2020-17§ 15, 09/21/2020; Ord. 2011-02 § 1, 02/07/2011; Ord. 94-20 § 3, 1994)

Section 2.15.090 – Order; notice to owner.

1) When the City Manager determines that construction, restoration, or repair of a sidewalk is necessary to protect public health and safety, the City Manager may issue an order requiring the property owner to perform the required work.

2) Notice of the City Manager's order shall be served upon the owner by personal service or by certified mail, return receipt requested, directed to the owner at the address on the County assessor's most recent property tax assessment roll. The notice shall be deemed served at the time of personal service, or three days after mailing.

3) The notice shall state:

a) The work required to be performed;

b) That the City has determined the work is necessary for public health and safety;

c) That the work must be completed in accordance with City standards within sixty (60) days of service of the notice;

- d) That, if the owner fails to complete the work within the required time, the owner may be subject to a fine of \$250 per day, the City may perform the work at the owner expense, and the cost of the work performed by the City may become a lien against the property;
- e) That the owner may appeal the order by filing an appeal within ten (10) days of service of the notice.

(Ord. 2020-17§ 15, 09/21/2020; Ord. 2011-02 § 2, 02-07-2011; Ord. 99-20 § 1, 11/15/1999; Ord. 94-20 § 3, 1994)

CHAPTER 2.19 TREE AND PARK STRIP PLANTING

Sections:

- 2.19.030 - Enforcement**
- 2.19.070 – Permit issuance and conditions.**
- 2.19.080 – General conditions and restrictions.**
- 2.19.140 – Sight distances.**
- 2.19.170 – Abuse, mutilation, destruction or topping.**

Section 2.19.030 – Enforcement

The City Manager or a duly authorized representative of that office shall be charged with the enforcement of this Chapter.

(Ord. 2020-17§ 16, 09/21/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.070 – Permit issuance and conditions.

- 1) On receiving an application filed by an applicant containing all relevant facts relating to the request, the City Manager may issue a permit or permits to the property owner or an authorized designee to plant, prune or remove trees, shrubs or vegetation in the park strip areas adjacent to the property owner's property. A separate permit for traffic control maybe required, with a written plan that conforms to the Short Term Traffic Control Handbook.
- 2) The City Manager shall give consideration to the following factors in granting such permits and shall not grant a permit if doing so would be detrimental to the public interest:
 - a) Width of the park strip or planting space.
 - b) Species and growth habit of tree, shrub or vegetation.
 - c) Location of parking meters, light standards, crosswalks, buildings, entrance and exit ways, streets, utility poles, alleys, loading zones, and other physical conditions and legal restrictions then existing or reasonably contemplated. Reference Corvallis Land Development Code 4.2.30 (Required Tree Planting), trees shall not be planted within 10 feet of fire hydrants and utility poles; within 20 feet of street light standards; or within 10 feet of a public sanitary sewer, storm drainage or water line.
 - d) Purpose of applicant's proposed action.
 - e) Any other factors found to be relevant.

3) The City Manager shall designate in the permit or in an exhibit attached to it the areas in which planting shall be allowed, the type of plantings allowed, and any other condition or restriction deemed necessary or expedient to protect the public interest.

(Ord. 2020-17§ 16, 09/21/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.080 – General conditions and restrictions.

1) Each property owner planting, pruning and removing trees, shrubs, or vegetation under permit shall comply with the following general conditions and restrictions:

a) The permittee shall abide by all of the terms, conditions and restrictions contained in the permit and abide by the ANSI A 300 for Tree Care Operations, ANSI Z133 Safety for Tree Care Operations as well as all state and local safety regulations.

b) The permittee shall indemnify and save the City, its officers, agents, officials and employees, harmless from any claim or award for damages or injuries to property or persons, including costs and attorneys fees, allegedly arising in whole or in part out of the use, occupation, or disruption of park strip areas by permittee or those acting on behalf of permittee or with permittee's approval or ratification or allegedly arising in whole or in part out of the failure by the permittee to abide by the terms of this permit.

c) The permit shall be nontransferable.

d) The permit shall be revocable at any time with cause at the discretion of the City Manager and no expenditure of money, lapse of time, or any act or thing shall act as an estoppel against the City or be held to give permittee or the owner of any property any vested right.

e) The installation and care of such plantings shall be at the sole cost and expense of the permittee without cost to the City, and the park strip sidewalks and sidewalk areas in the vicinity of the plantings and the structure served thereby shall be maintained in a good state of repair and maintenance at the sole cost and expense of the permittee.

f) The permittee shall remove, replace or relocate individual plantings or vegetation as the public convenience or necessity warrants and at the request of the City Manager.

g) No permit shall become effective unless the permittee named shall simultaneously with the issuance file with the City Manager a notice of acceptance of the terms, covenants, and conditions and an agreement to abide by all of the terms, covenants, conditions, and obligations imposed on permittee.

(Ord. 2020-17§ 16, 09/21/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.140 – Sight distances.

Every property owner in the City shall have a duty to and shall prune, or remove any tree, shrub, plant or vegetation on the property owner's property so that such tree, shrub, plant, or vegetation shall not interfere with reasonable sight distance at street intersections, alley ways and private driveways. This work shall comply with current industry standards (ANSI A300, ANSI Z133).

(Ord. 2020-17§ 16, 09/21/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.170 – Abuse, mutilation, destruction or topping.

1) It shall be unlawful for any person to abuse, destroy, top or mutilate any tree in or upon any street right-of-way, park strip or other public place in the City or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to, on or in any tree. Abuse and mutilation could include but not be limited to; pouring solvents on roots, girdling the tree, harming any part of the trunk or circumference of a tree, causing compaction around the tree roots, removing/harming any part of the roots, breaking branches by hanging on or climbing a tree etc.

2) Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the City Manager.

3) This action shall not be construed to prevent abutting property owners from minor pruning of a tree, shrub or plant in or upon a street rights-of-way or park strip abutting the property owner's property in accordance with the ANSI A300's, nor shall it be construed to prevent the City or the City Manager from pruning or removing any tree, plant, shrub or vegetation from any street right-of-way, park strip or other public place in the City.

(Ord. 2020-17§ 16, 09/21/2020; Ord. 2005-06 § 3, 04/18/2005)

**CHAPTER 3.01
WATER REGULATIONS**

Sections:

3.01.210 – Responsibility for equipment.

3.01.220 – Damage to utility's property.

3.01.280 – Resale of water.

Section 3.01.210 – Responsibility for equipment.

The customer shall, at the customer's own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water. The utility shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or any of the customer's tenants or agents in installing, maintaining, using, operating or interfering with such equipment. The utility shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(Ord. 2020-17§ 17, 09/21/2020; Ord. 58-65 § 19, 1958)

Section 3.01.220 – Damage to utility's property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer, or the customer's tenants or agents. Such damage shall include the breaking or destruction of locks by the customer or others, on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

(Ord. 2020-17§ 17, 09/21/2020; Ord. 58-65 § 20, 1958)

Section 3.01.280 – Resale of water.

Except by special agreement with the utility, no customer shall resell any of the water received from the utility, nor shall water be delivered to premises other than those specified in the application for service.

(Ord. 2020-17§ 17, 09/21/2020; Ord. 58-65 § 26, 1958)

CHAPTER 3.05 TRANSPORTATION MAINTENANCE FEE

Section 3.05.020 – Definitions.

As used in this chapter, the following means:

- 1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under the City Engineer's direction.
- 2) Developed property. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, outside storage, and other uses that impact the transportation system.
- 3) Director. The person, or duly authorized representative designated by the City Manager to supervise the Public Works Department.
- 4) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and, which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.
- 5) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.
- 6) Multi-family residential unit. Residential property consisting of two or more separate dwelling units.
- 7) Non-residential. A use of property which is primarily not for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial uses.
- 8) Residential property. A use of property which is primarily for personal, domestic accommodation, including single family and multi-family residential property, but not including hotels, motels, bed and breakfast establishments, and assisted living facilities.
- 9) Trip generation. The average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE).
- 10) Utility account customer. The person in whose name a water, wastewater and/or stormwater account exists and who is responsible for payment of charges for said account.

(Ord. 2020-17§ 18, 09/21/2020; Ord. 2010-03 § 1, 02/01/2010; Ord. 2005-17 § 1, 11/07/2005)

**CHAPTER 3.06
CITY SERVICES BILLING**

Sections:

3.06.050 – Billing and payments.

3.06.060 – Meter test.

Section 3.06.050 – Billing and payments.

1) Bills.

a) Bills for City services will be rendered monthly. Customers may be billed for any combination of the four services on each month's bill depending on which services are used.

1] Water service is considered to be used if the customer's property is connected to the water system, and the customer has not notified the utility that the property is vacant and water service is no longer required. Consumption of water is based on the meter reading on the utility's meters.

2] Wastewater service is considered to be used if the customer's property is connected to the water and wastewater system, and the customer has not notified the utility that the property is vacant and wastewater service is no longer required. Consumption for wastewater service is generally based on the water used as measured on the utility's water meter. If the customer does not have utility provided water service, and the wastewater system is connected to the property, the wastewater service is considered to be used.

3] Storm water service is considered to be used if the customer's property has any kind of development or impervious surface on it, and the property is being used, regardless of whether water or wastewater service is being used.

4] Other City services are considered to be used if a utility services account is active.

b) Water consumption via meter readings is the best available measure of wastewater usage. Therefore, the amount of water used each month will be used to determine the wastewater consumption and associated charges.

c) Meter readings.

1] Meters will be read at regular intervals for the preparation of bills and as required for the preparation of opening, closing, and special bills.

2] It may not always be possible to read meters on the same day of each period. Should a monthly billing period contain less than 26 days or more than 34 days, a pro rata correction will be made.

3] Where all water used is derived from the Corvallis water system, the metered amount of water delivered to the unit from the Corvallis water system for each month shall be the amount of water used for determining the water and wastewater bill, except for summer wastewater averaging (Section 3.06.050(2)).

4] Where part of the water used is derived from the Corvallis water system and part of the water used is derived from other sources, the amount of water used to determine the wastewater bill shall be the combination of the amounts determined under subsections 3] and 5] of this Section.

5] Where all water used is derived from sources other than Corvallis' water system and the unit is other than a single family or multi-family served by the Corvallis wastewater treatment system, the amount of water used shall be determined by the City Manager using records and data furnished by the wastewater user or gathered from the City Manager's own investigation, or both, at the discretion of the City Manager. In lieu of such determination by the City Manager of the amount of water used, a wastewater user may be required to provide, install, and maintain a meter to measure the amount of water used at the wastewater user's expense; and the City Manager may accept the measurement of water used as determined by such meter if the City Manager is reasonably satisfied as to the accuracy of such measurement.

6] Where all water used is derived from sources other than Corvallis' water system and the unit is a single family or multi-family unit served by the Corvallis wastewater system, the wastewater charge shall be a flat rate based on single family residential rates (Section 3.06.140(6)).

7] Exceptions.

a) In those cases where commercial or industrial customers can demonstrate that water used is not directly returned to the wastewater treatment system, an adjustment shall be made on the wastewater consumption charge proportionate to the non-returned usage. In order to qualify for this exemption, the customer shall install a wastewater exemption meter per Section 4.03.020.010, Use of Public Sewers Required, to measure water not returned to the wastewater treatment system.

8] Estimations. In rare circumstances the City is unable to read a water meter due to inaccessibility of the meter, and must estimate the read to calculate a bill. Estimate calculations are based on the amount of water used in the same month in the prior year. If there was no usage data for the customer for the prior year, then the prior month's data is used. Bills that are rendered based on an estimated read will indicate that information.

d) City Services billings will be prorated for partial month billings. Prorated billings shall be computed by the following formula:

1] For Water and wastewater:

A] Consumption × the current consumption rate = Consumption Charge.

B] Consumption × the current applicable high-level surcharge, if any = High Level Surcharge.

C] $\text{Base Rate} \div 30 \times \text{number of days service} = \text{Prorated Base Rate Charge}$.

D] $\text{Consumption Charge} + \text{High-Level Surcharge} + \text{Prorated Base Rate Charge} = \text{Total Charge}$.

2] For Storm Water and other City services:

A] $\text{Base Rate} \div 30 \times \text{number of days service} = \text{Prorated Base Rate Charge}$.

2) Summer Wastewater Average. The utility recognizes that some water is used in the summer for irrigation that is not measured through a meter designated for irrigation purposes. Since this water does not go through the utility's wastewater system, summer wastewater bills are calculated in the following method:

a) Single-family units will be charged the base rate and the consumptive rate for any consumption on bills rendered the prior December through April. For bills rendered May through November, the monthly billing will be computed upon the average metered water consumption for the preceding months of December through April or computed upon the actual consumption whichever is less.

b) Multi-family units and 509J classroom facilities will be billed the basic minimum and the consumptive rate for any consumption rendered December through April. For bills rendered May through November, billing will be computed upon the average metered water consumption for the preceding months of December through April or computed upon the actual consumption, whichever is less.

c) Where by reason of new construction, a single-family unit was not connected to water and wastewater service on February 1 of a year, such unit shall be billed for the period May through November following construction, for an amount not to exceed eight units per month.

d) Where by reason of new construction, a multi-family unit was not connected to water and wastewater service on February 1 of a year, such unit shall be billed for the period May through November following construction, on the basis of actual consumption.

e) Commercial customers (all other customers not described in the above categories) will be billed the basic minimum and the appropriate consumptive rate for all consumption based on the commercial customer's wastewater strength designation. There will be no seasonal exceptions made except for measured amounts proven not to be discharged to the sanitary or storm water systems.

3) Bill payment.

a) All bills are generated for services already rendered. Balances are due upon receipt and must be paid on or before the 25th day following the billing date, or the payment will be considered delinquent. Payment may be made at the City's Utility Billing office.

b) Final bills will be processed at the time of discontinuance of service.

c) When bills are delinquent, the utility will follow the procedures as outlined in Section 3.06.080.

4) Billings of separate meters not combined. Each meter on customer's premises will be considered separately, and the readings of two or more meters will not be combined unless specifically provided for in the rate schedule, or unless the utility's operating convenience required the use of more than one meter or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters.

5) All payments for services rendered may be remitted on a single check or on separate checks. The utility shall deposit monies equal to the billings for each service into the respective fund for the service rendered. Payment shall be applied first to the police service fee, then to the fire service fee, then to the urban forest management fee, then to the sidewalk maintenance fee, then to the transit operations fee, then to the transportation maintenance fee, then to storm water charges, then to wastewater charges, and finally to the water charges.

(Ord. 2020-17§ 18, 09/21/2020; Ord. 2018-31 § 3(Exh. A), 11/19/2018, eff. 07/01/2020; Ord. 2011-04 § 1, 02/07/2011; Ord. 2008-03 § 1, 01/22/2008; Ord. 2006-07 § 1, 04/03/2006)

Section 3.06.060 – Meter test.

1) Meter test.

a) Prior to installation, each meter will be tested and no meter found to register more than three percent fast or slow under conditions of normal operation will be placed in service.

b) On customer request.

1] A customer may, giving not less than one week's notice, request the utility to test the meter serving the customer's premises.

2] For each additional test after the first performed in a calendar year, the utility may charge the customer an amount to cover the reasonable cost of test, as follows:

a] For ¾" meters: \$25.00.

b] For 1" - 1.5" meters: \$50.00.

c] For larger than 1.5" meters: Estimated cost.

3] The charge will be refunded if the meter is found to register more than three percent fast. The customer will be notified not less than five days in advance of the time and place of the test.

4] A customer or representative shall have the right to be present when the test is made.

5] A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

2) Leak Test. The City will assist customers who have higher than expected usage to test for leaks. If an underground leak is discovered, the City will adjust the customer's bill as identified in section 3.06.070 Adjustments.

(Ord. 2020-17§ 18, 09/21/2020; Ord. 2011-04 § 1, 02/07/2011; Ord. 2006-07 § 1, 04/03/2006)

CHAPTER 3.08 TRANSIT OPERATIONS FEE

Sections:

3.08.020 – Definitions.

3.08.070 – Appeal.

Section 3.08.020 – Definitions.

For purposes of this chapter, the definition of the following terms are:

- 1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under the City Engineer's direction.
- 2) Director. The person, or duly authorized representative, designated by the City Manager to supervise the Public Works Department.
- 3) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.
- 4) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including, but not limited to, enclosed courtyards and stairwells, but not including fences and parking areas not enclosed within a building.
- 5) Group residential site. A dormitory, fraternity, sorority, cooperative or other similar structure primarily used for personal, domestic accommodation providing common sanitary and kitchen facilities. Does not include hotels, motels, assisted living facilities or other similar structures.
- 6) Multi-family residential site. A site with a structure primarily used for personal, domestic accommodation, served by one water meter, and constructed as, or used as, two or more dwelling units. As used herein, includes quads or similar structures, but does not include group residential sites.
- 7) Non-residential site. A site that is not used for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial sites, assisted living facilities, and hotels.
- 8) Single-family residential site. A site with a structure used primarily for personal, domestic accommodation, of one or more rooms with bathroom and kitchen facilities, and designated for occupancy by one family. As used herein, includes houses, detached townhouses, condominiums, and zero lot-line, where the units are sold and deeded as single-family units and have individual water meters.
- 9) Trip generation. The average number of vehicle trips generated by a site, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE), herein referred to as the ITE Manual.

10) Utility account. An account with the City of Corvallis for water, wastewater and/or storm water service within the City limits. As used herein, does not include accounts designated as fire service or irrigation only.

11) Utility account customer. The person in whose name a water, wastewater and/or storm water account exists and who is responsible for payment of charges for said account.

(Ord. 2020-17§ 19, 09/21/2020; Ord. 2010-31 § 1, 12/20/2010)

Section 3.08.070 – Appeal.

1) Any utility account customer who disputes the City Engineer's decision in assigning a customer group classification or monthly billing rate for non-residential site may present the reason for dispute to the City Engineer, along with payment of an appeal fee of \$100. The City Engineer will review the information and render a decision, along with an explanation of how that decision was reached.

2) If the utility account customer is not satisfied at this point, the customer may appeal such decision to the City Manager by filing a written notice of appeal, together with the reason for the appeal and any arguments, within 30 days of the date of the City Engineer's notice of customer group or monthly billing rate.

3) The City Manager shall consider the appeal within 60 days of receipt. The decision of the City Manager shall be limited to whether the appellant's utility account has been assigned the appropriate customer group or monthly billing rate.

4) In the event that the City Manager changes or otherwise overturns the City Engineer's decision on appeal, any appeal fee paid by the appellant shall be refunded.

(Ord. 2020-17§ 19, 09/21/2020; Ord. 2010-31 § 1, 12/20/2010)

**CHAPTER 3.09
URBAN FOREST MANAGEMENT FEE**

Section 3.09.020 – Definitions.

As used in this chapter, the following means:

1) Director. The person, or duly authorized representative designated by the City Manager to supervise the Parks and Recreation Department.

2) Ecosystem services. The direct and indirect benefits provided to the community by a healthy Urban Forest. These include, but are not limited to: increased water quality and stormwater retention, energy savings and carbon capture, air quality improvements, and wildlife habitat improvements.

3) Tree. A self supporting, perennial woody plant characterized by one main trunk, or in some cases, multiple trunks with a trunk diameter of at least 1-1/2 inches at a point 6 inches above ground level at the base of the trunk and one main canopy of leaves, usually growing to a height of 15 feet or more.

4) Urban Forester. The person appointed by the City Manager through the Director to perform the functions of Urban Forester or the designee acting under the Urban Forester’s direction.

5) Urban Forest. The collection of trees growing in the City, and the plants that grow beneath them. For the purpose of this chapter, the focus will be limited to trees growing in the public right-of-way within the City limits and on City park land.

6) Utility account. An account with the City of Corvallis for water, wastewater and/or stormwater service within the City limits. As used herein, this does not include accounts designated as fire service or irrigation only, or those for Oregon State University.

7) Utility account customer. The person in whose name a water, wastewater and/or stormwater service account exists and who is responsible for payment of charges for said account.

(Ord. 2020-17§ 22, 09/21/2020; Ord. 2010-32 § 1, 12/20/2010)

**CHAPTER 4.01
SOLID WASTE REGULATIONS**

Sections:

- 4.01.020 – Supervision by City Manager.**
- 4.01.080 – Private disposal.**
- 4.01.090 – Unauthorized disposal of solid waste prohibited.**
- 4.01.120 – Disposal equipment and maintenance.**

Section 4.01.020 – Supervision by City Manager.

The regulation of the disposal and hauling of solid waste in the City under the provisions herein shall be under the supervision of the City Manager. The City Manager may conduct inspections to ensure full compliance with the terms and provisions herein, and to arbitrate or to provide for arbitration of any and all disputes arising between franchise holders hereunder and citizens of the City and suspend or revoke the franchise of any franchise holder hereunder for noncompliance after reasonable notice of any award or decision made in arbitration or upon conviction of any violation of this chapter in the Municipal Court.

(Ord. 2020-17§ 23, 09/21/2020; Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.080 – Private disposal.

Any person may transport solid waste generated by the person upon the streets of the City without procuring a franchise therefor; provided, that such solid waste is hauled in such manner as to prevent leakage or litter upon the streets.

(Ord. 2020-17§ 23, 09/21/2020; Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.090 – Unauthorized disposal of solid waste prohibited.

- 1) It shall be unlawful for any person to remove the lid from or interfere with any solid waste receptacle to dump or dispose any solid waste accumulated on or about the person’s home, residence or any house or building or place of business into any public or semipublic solid waste receptacle or privately owned solid waste receptacle other than that owned by such person without the consent of the owner thereof.

2) It shall be unlawful for any person to dump or dispose of solid waste in any public or semipublic solid waste receptacle or disposal unit, except solid waste accumulated or acquired within an area reasonably contemplated to be served by such solid waste receptacle or disposal unit.

(Ord. 2020-17§ 23, 09/21/2020; Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.120 – Disposal equipment and maintenance.

It shall be unlawful for any franchised solid waste hauler or person transporting solid waste the person produced to transport solid waste on the streets of Corvallis, except in a covered, watertight and drip-proof vehicle.

(Ord. 2020-17§ 23, 09/21/2020; Ord. 2008-21 § 1, 12/15/2008)

CHAPTER 4.03 SEWER REGULATIONS

Sections:

4.03.020.030 – Building sewers and connections.

4.03.02.060 – Licensing of sewer and septic tank workers.

Section 4.03.020.030 – Building sewers and connections.

1) No person shall uncover, make any connections to or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a wastewater connection permit from the City Engineer. This Section shall not apply to duly authorized City employees acting in the performance of official duties or persons participating in City approved activities.

2) Any user of the building sewer or any agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit fee shall be paid to the City at the time the application is filed.

3) All costs and expenses incident to the wastewater connection shall be borne by the user. The user shall indemnify the City from any loss or damage that may directly or indirectly be caused by the wastewater connection.

4) A separate wastewater connection shall be provided for every building, except where one building stands at the rear of another on an interior lot.

5) Old sewers may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements herein.

6) The size and slope of the wastewater connection shall be subject to the approval of the City Engineer.

7) The wastewater connection shall be laid at uniform grade and in straight alignment insofar as possible and a minimum of 3 feet from any bearing wall, which might thereby be weakened. Changes in direction shall be made only in accordance with the City's Standard Construction Specifications.

8) All excavations for wastewater connections shall be open trench unless approved by the City Engineer, and no backfill shall be placed until the work has been inspected by the City Engineer.

9) The wastewater connection shall be made in conformance with the rules and regulations of the Oregon Department of Environmental Quality and the City's Standard Construction Specifications. Wastewater connections to public sewers must be done by either a licensed sewer contractor or by the City at the user's expense.

10) The applicant for the wastewater connection permit shall notify the City Engineer when the sewer is ready for inspection. The connection shall be made under the supervision of the City Engineer.

11) All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 2020-17§ 24, 09/21/2020; Ord. No. 2020-20 , § 1(Exh. A), 07-15-2020)

Section 4.03.02.060 – Licensing of sewer and septic tank workers.

No person shall construct or attempt to construct a wastewater connection within the City without first obtaining a license pursuant to the requirements of ORS Chapter 701 as amended. No person shall engage in septic tank cleaning, construction, or repair within the City without first obtaining a license as a septic tank worker as required by ORS Chapter 701 as amended.

(Ord. 2020-17§ 24, 09/21/2020; Ord. No. 2020-20 , § 1(Exh. A), 07-15-2020)

CHAPTER 4.04

URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

Sections:

4.04.060 – Sampling and monitoring requirements.

4.04.080 – Notification of discharges and spills.

Section 4.04.060 – Sampling and monitoring requirements.

Whenever the Public Works Director determines that any person engaged in any activity and/or owns or operates any facility that may be causing or contributing to stormwater pollution or illicit discharge to the storm drainage system, the Public Works Director may, by written notice as described in Section 4.04.090.020, order that such a person undertake such monitoring activities and/or analyses and furnish such reports as the Public Works Director may deem necessary to demonstrate compliance with this Article. The written notice shall set forth the basis for such order and shall describe the monitoring activities and/or analyses and reports required. The sampling and monitoring devices utilized shall be approved by the Public Works Director and maintained at all times in a safe and proper operating condition by the owner or operator at the owner or operator's own expense. All devices used to measure flow and quality shall be calibrated in accordance with the manufacturer's recommendations to an accuracy determined by the Public Works Director. The recipient of such order shall undertake and provide the monitoring, analyses, and reports within the time frames set forth in the order.

(Ord. 2020-17§ 25, 09/21/2020; Ord. 2010-15 § 1, 07/19/2010)

Section 4.04.080 – Notification of discharges and spills.

1) In the event of a release of hazardous material, as soon as any owner, tenant, or resident, or any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges into the storm drainage system, said person shall immediately notify the Public Works Director by telephone or, if outside City of Corvallis business hours, via a telephone call to the City Police Department non-emergency service. Notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge.

2) In the event of a release of non-hazardous material, said person shall notify the Public Works Director in person or by telephone or facsimile as soon as known but no later than the next business day. Notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge.

3) If the pollutant discharge emanates from a commercial or industrial establishment, notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Public Works Director within five (5) business days of the telephone notice. Written notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge, and a summary of the actions taken by the responsible party to prevent any recurrence of the discharge. Additionally, the owner or operator of such establishment shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years and provided to the Public Works Director at upon request.

4) Failure to notify the Public Works Director as required by this section shall be a violation of this Article.

(Ord. 2020-17§ 25, 09/21/2020; Ord. 2010-15 § 1, 07/19/2010)

CHAPTER 5.01 CITY PARK REGULATIONS

Sections:

- 5.01.050 – Commercial activity.**
- 5.01.080 – Fireworks, dangerous equipment and activities.**
- 5.01.090 – Special use areas.**
- 5.01.100 - Permit for use of designated area.**
- Section 5.01.110 - Alcoholic beverages in parks.**
- Section 5.01.120 - Sound.**
- Section 5.01.130 - Hours of use; sleeping and camping.**
- Section 5.01.170 - Flora.**
- Section 5.01.180 - Marking, injuring, or disturbing any structure.**
- Section 5.01.190 - Authority of City Manager.**

Section 5.01.050 - Commercial activity.

1) No person shall sell or attempt to sell any merchandise or service or operate any concession in a park without permission of the City Manager. The City Manager may issue a permit authorizing the selling of merchandise or services or the operating of a concession in a park if, in the City Manager's reasonable discretion, that is determined to be in the best interests of the City. The City Manager may include reasonable conditions in the permit; and may revoke a permit if the terms of the permit are violated; or may deny a permit to a person or persons who have violated the terms of a permit within the previous year.

2) No person who holds a valid permit issued by the City Manager under this Section shall sell merchandise or services within a park in violation of any conditions stated in that permit.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 72-27 § 7, 1972)

Section 5.01.080 - Fireworks, dangerous equipment and activities.

1) No person shall possess or use any fireworks in the following parks between June 1 and September 30: Bald Hill Park, Chip Ross Park;

2) No person shall use or engage in any activity that the City Manager determines, in their reasonable discretion, creates an unreasonable interference or danger to other persons. Such activity shall include but not be limited to the use of golf clubs, archery equipment, a discus, javelin, or short or any aircraft, rocket, or missile powered by fuel or mechanical means, or any firearm. Such activities will be allowed only as provided in Section 5.01.090 herein.

3) Notwithstanding the above, the use of bean-shooters or other comparable devices used to shoot beans, pebbles, or other substance or thing, or rockets or missiles, when conducted as part of a class or activity by the City's Parks and Recreation Department and/or da Vinci Days, Inc., during the annual da Vinci Days festival and for 60 days before the da Vinci Days festival, is permitted.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 2002-19 § 2, 06/17/2002; Ord. 91-38 § 2, 1991; Ord. 72-27 § 10, 1972)

Section 5.01.090 - Special use areas.

The City Manager is authorized and directed to set aside, establish, alter, and/or discontinue special use areas in one or more of the parks. These special use areas would include but not be limited to activities such as horse or pony riding, Junior Olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited under Section 5.01.100 herein. Before establishing, altering, or discontinuing such a special use area, the City Manager shall determine, in the City Manager's reasonable discretion, priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons. If a special use area is established, the City Manager may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as are determined to be reasonably required for the safety and convenience of persons and property. The boundaries of the special use area shall be marked and such signs and warnings concerning that special use area shall be posted as are deemed reasonably appropriate. No person shall use or injure any special use area except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the City Manager.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 72-27 § 11, 1972)

Section 5.01.100 - Permit for use of designated area.

The City Manager is authorized to issue permits for public use of a designated area in a park for such activities as picnicking, softball, and other special events or activities deemed appropriate. Permits shall have a priority use over all other uses. The City Manager reserves the right to refuse or revoke a permit and may retain all fees and deposits for, but not limited to, the failure to comply with park and City rules and regulations, any special conditions specified on the permit, any order or directive issued by the City Manager's Office, the Police, or the Parks and Recreation Department.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 81-35 § 3, 1981; Ord. 72-27 § 12, 1972)

Section 5.01.110 - Alcoholic beverages in parks.

5.01.110.010

1) Notwithstanding any other provision of the Municipal Code, the City Manager or a designee of that office is authorized to issue permits allowing the sale, consumption or serving of alcoholic beverages in any park and/or facility.

2) The City Manager or a designee of that office may issue a permit only if the applicant for a permit provides assurances satisfactory to the City Manager or the designee that:

a) The applicant will obtain all necessary permits and licenses for selling or serving alcohol. This obligation shall include, but is not limited to, a requirement that the applicant must execute an Alcohol Agreement with the Parks and Recreation Department. The Alcohol Agreement shall specify that minors are not to be served alcoholic beverages.

b) The applicant will hold the City of Corvallis, its officers, agents, and employees harmless and indemnify the City, its officers, agents, and employees against any costs or liabilities resulting from the sale, consumption or serving of alcoholic beverages in a park or facility. In addition, an applicant seeking a permit to sell alcoholic beverages in a park or facility must obtain a liquor liability insurance policy, in an amount at least equal to the liability limits of the Oregon Tort Claims Act as in effect at the time of the application, naming the City of Corvallis as a co-insured. An applicant seeking a permit to have alcoholic beverages in a park or facility must obtain general liability insurance.

c) The event is not for the express purpose of serving alcohol.

d) Food and non-alcoholic beverages will also be available at the event.

e) If the event is advertised, the primary focus of the advertising will be on the activities offered and not on the sale or consumption of alcoholic beverages. There will be no advertising by distributors; however, acknowledgement of event sponsors shall be allowed.

3) The City Manager or a designee of that office may reject an application for a permit under this section if it is determined that the applicant is not able to control or assume full responsibility for the planned activity. In making this determination, the City Manager or the designee may consider the applicant's past history; the type of event planned; the security to be provided by the applicant; who has ultimate responsibility for the event; and any other factors deemed relevant.

4) The City Manager may, in the City Manager's discretion, refer any application for a permit directly to the City Council for action. No appeal shall be permitted from the City Council decision.

(Ord. 2020-17§ 26, 09/21/2020; Ord. No. 2016-06, § 1, 04/04/2016; Ord. No. 2015-24 § 1, 12/21/15; Ord. No. 2015-21 § 1, 12/17/15; Ord. 2006-01 § 2, 01/03/2006; Ord. 96-15 § 1, 1996)

5.01.110.020

Notice of the City Manager's or a designee's decision to approve or deny a permit application shall be provided to the applicant. Any person aggrieved by the decision may appeal the decision to the City Council by filing an appeal within 10 days of the date the notice is received. If possible, the appeal shall be heard and determined at the next Council meeting after it is filed.

(Ord. 2020-17§ 26, 09/21/2020; Ord. No. 2016-06, § 1, 04/04/2016; Ord. No. 2015-24 § 1, 12/21/15; Ord. No. 2015-21 § 1, 12/17/15; Ord. 96-15 § 1, 1996; Ord. 95-34 § 1, 1995; Ord. 93-18 § 1, 07/19/93; Ord. 85-44, 1985; Ord. 84-70 § 2, 1984; Ord. 84-31 § 2, 1984)

Section 5.01.120 - Sound.

1) No person shall disturb the peace in any park between the hours of 10:00 pm and 6:30 am. For purposes of this subsection, disturbing the peace is defined as including, but not being limited to, the following:

- a) Playing a musical instrument;
- b) Playing a radio;
- c) Shouting;
- d) Engaging in any organized games.

2) No person shall use any device to amplify sound in any park unless a valid permit has been issued by the City Manager under Section 5.03.030.020 herein.

3) The City Manager may issue a sound permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specific hours if, according to the City Manager's reasonable discretion, the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The City Manager may include conditions in such a permit which deems reasonable; and may revoke a permit if the terms of the permit are violated; or may deny a permit to a person or group of persons who have violated the terms of a permit within the previous year.

4) No person who holds a valid sound permit issued by the City Manager shall amplify sound within a park in violation of any conditions stated in that permit.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 82-78 § 4, 1982; Ord. 81-35 § 4, 1981; Ord. 72-27 § 13, 1972)

Section 5.01.130 - Hours of use; sleeping and camping.

1) No person shall sleep in any park between the hours of 10:00 pm and 6:00 am, except as provided in subsection 3).

2) No person shall use any tent, shelter-half, motor home, vehicle, camper, or trailer as a shelter for housing or sleeping in any park area, except as provided in subsection 3).

3) The City Manager may, in the City Manager's reasonable discretion, issue permits or designate areas for the use of tents, shelter-half, motor homes, vehicles, campers, or trailers as shelters for

housing or sleeping in parks for any overnight sleeping in parks between the hours of 10:00 pm and 6:00 am.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 82-78 § 5, 1982; Ord. 81-35 § 5, 1981; Ord. 72-27 § 14, 1972)

Section 5.01.170 - Flora.

No person other than a duly authorized City employee in the performance of official duty or persons participating in City approved activities shall dig, remove, destroy, injure, mutilate or cut any trees, plants, shrubs, blooms, or flowers or any portion thereof growing in any park.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 81-35 § 9, 1981; Ord. 72-27 § 18, 1972)

Section 5.01.180 - Marking, injuring, or disturbing any structure.

No person other than a duly authorized City employee in the performance of official duty shall:

- 1) Cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park;
- 2) Mark or place any mark, writing, or printing on any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park;
- 3) Attach any sign, card, display, or similar device to any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park, except as authorized by permit issued by the City Manager.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 82-78 § 7, 1982; Ord. 81-35, 1981; Ord. 72-27 § 19, 1972)

Section 5.01.190 - Authority of City Manager.

- 1) Whenever this Chapter makes reference to the exercise of reasonable discretion of the City Manager, the City Manager shall take into account the use and enjoyment of the parks for the maximum number of people and the general purpose set forth in Section 5.01.010 herein.
- 2) The City Manager is authorized to establish and revise fees for permits issued in accordance with the provisions herein.
- 3) The City Manager is authorized to establish and revise fees for recreation programs.

(Ord. 2020-17§ 26, 09/21/2020; Ord. 90-17 § 2, 1990; Ord. 89-53 § 1, 1989; Ord. 72-27 § 20, 1972)

**CHAPTER 5.02
ABANDONED/DISCARDED VEHICLES**

Sections:

5.02.050 – Administration and enforcement.

5.02.090 - Hearings; determinations.

Section 5.02.050 - Administration and enforcement.

Except as otherwise provided herein, the provisions herein shall be administered and enforced by the Chief of Police. In the enforcement of the provisions herein, such officer and any deputies, representatives and/or agents may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to identity of a vehicle declared to be a nuisance pursuant to the provisions herein.

(Ord. 2020-17§ 27, 09/21/2020; Ord. 74-83 § 5, 1974)

Section 5.02.090 - Hearings; determinations.

1) All hearings held pursuant to the provisions herein shall be held before Council who shall hear all facts and testimony that it deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or part thereof, and the circumstances concerning its location on private property or public property. Council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.

2) Council may impose such conditions and take such other action as it deems appropriate under the circumstances, to carry out the purposes herein. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances so justify. At the conclusion of the public hearing, Council may find that a vehicle or part thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property, order the same removed from the property as a public nuisance and disposed of as provided herein, and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof, and the correct identification number and license number of the vehicle if available at the site.

3) If it is determined at the hearing that the vehicle was placed upon the land without the consent of the land owner and that the owner has not subsequently acquiesced in its presence, Council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

4) If an interested person makes a written presentation to Council but does not appear, written notice of the decision shall be sent to the last known address.

(Ord. 2020-17§ 27, 09/21/2020; Ord. 74-83 § 9, 1974)

**CHAPTER 5.03
OFFENSES**

Sections:

- 5.03.010.060 - Parties to offenses.**
- 5.03.040.010.04 - Misrepresentation of true age of minor.**
- 5.03.040.010.05 - Defense of written age statement.**
- 5.03.040.010.07 - Arresting officer to seize property.**
- 5.03.040.010.10 - Hosting party for minors.**
- 5.03.040.020.07 - Hosting party for minors.**
- 5.03.080.090 - Resisting arrest.**
- 5.03.080.160.01 - Definitions**
- 5.03.090.060.01 - Definitions.**
- 5.03.100.040.02 - Selling on public ways prohibited.**
- 5.03.150.020 – Liability imposed.**

Section 5.03.010.060 - Parties to offenses.

- 1) A person is guilty of an offense if it is committed by the person's own conduct or by the conduct of another person for which the person is liable, or both.
- 2) A person is liable for the conduct of another person constituting an offense if:
 - a) The person is made liable hereby defining the offense; or
 - b) With the intent to promote or facilitate the commission of the offense, the person: 1] solicits or commands such other person to commit the offense, 2] aids or abets or agrees or attempts to aid or abet such other person in planning or committing the offense, 3] having a legal duty to prevent the commission of the offense fails to make an effort the person is legally required to make.
- 3) In any prosecution for an offense in which liability is based upon the conduct of another person pursuant to subsection 2) of this section, it is no defense that;
 - a) Such other person has not been prosecuted for or convicted of any offense based upon the conduct in question or has been convicted of a different offense; or
 - b) The offense, as defined, can be committed only by a particular class or classes or persons to which the defendant does not belong, and the person is for that reason legally incapable of committing the offense in an individual capacity.
- 4) Except as otherwise provided hereby defining the offense, a person is not liable for conduct of another constituting an offense if:
 - a) The person is a victim of that offense.
 - b) The offense is so defined that the person's conduct is necessarily incidental thereto.

5) In addition to the liability of a corporation, firm, partnership, association, or joint stock company otherwise imposed by the law of this City, such an organization is guilty of an offense if:

- a) The conduct constituting the offense is engaged in by an agent or the organization while acting within the scope of employment and in behalf of the organization, or the offense is one defined by a law that clearly indicates a legislative intent to impose liability on an organization; or
- b) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on such organizations by law; or
- c) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the organization.

1] As used in this Section:

a] *Agent*. Any director, officer, or employee of an organization, or any other person who is authorized to act in behalf of the organization.

b] *High managerial agent*. An officer of an organization who exercises authority with respect to the formulation of policy or the supervision in a managerial capacity of subordinate employees, or any other agent in a position of comparable authority.

6) A person is liable for conduct constituting an offense which the person performs or causes to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct were performed in the person's own name or behalf.

(Ord. 2020-17§ 28, 09/21/2020; Ord. 82-77 § 100.06, 1974)

Section 5.03.040.010.04 - Misrepresentation of true age of minor.

- 1) No minor shall falsely represent being of any age other than the true age of the minor, or produce any evidence that would falsely indicate, for the purpose of securing any right, benefit, or privilege denied minors by Section 5.03.040.010.
- 2) No person shall falsely represent a minor to be 21 years of age or older for the purpose of securing or assisting such minor in securing any right, benefit, or privilege denied to minors by this Section.
- 3) A violation of this Section is a Class A Infraction.

Section 5.03.040.010.05 - Defense of written age statement.

If a licensee or an employee or agent is prosecuted in the Municipal Court for selling alcoholic liquor to a minor or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or an employee or agent may offer in defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the Commission, and such statement shall constitute a prima facie defense.

Section 5.03.040.010.07 - Arresting officer to seize property.

When an officer arrests any person for violation of Section 5.03.040.010, the officer may take possession of all alcoholic liquor which the person arrested possesses, or is present on the premises, which apparently is being used or kept in violation of Section 5.03.040.010. If the person arrested is convicted and the Court finds that the alcoholic liquor has been used in violation of this Section, such forfeiture proceedings as are authorized by ORS 471.610 may be instituted.

(Ord. 2020-17§ 28, 09/21/2020; Ord. 2013-08 § 4, 06/03/2013; Ord. 2013-08 § 2, 06/03/13; Ord. 91-28 § 1 (part), 1991; Ord. 82-77 § 103.01, 1982)

Section 5.03.040.020.07 - Hosting party for minors.

1) No person shall permit, allow or host a juvenile party at the person's place of residence or premises under the person's control while marijuana or marijuana products are consumed or possessed by any minor.

2) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state.

3) A violation of this Section is a Class A misdemeanor. Upon conviction, the court shall impose at least a mandatory minimum sentence:

a) Upon a first conviction, a fine of \$500;

b) Upon a second conviction, a fine of \$1,000; and

c) Upon a third conviction, a fine of \$1,500 and not less than 30 days of imprisonment.

(Ord. 2020-17§ 28, 09/21/2020; Ord. No. 2015-09 § 1, 05/04/2015)

Section 5.03.080.090 - Resisting arrest.

1) No person shall intentionally resist a person known to be a police officer in making an arrest.

2) A violation of this Section is a Class A Misdemeanor.

3) It is no defense to a prosecution under this Section that a police officer lacked legal authority to make the arrest, provided the police officer was acting under color of official authority.

(Ord. 2020-17§ 28, 09/21/2020; Ord. 82-77 § 107.09, 1982)

Section 5.03.080.160.01 - Definitions.

1) *Accessibility ramp*. A ramp intended to provide access for people with disabilities to and from an entrance or exit.

2) *Bar*. An area which is devoted to the serving of alcoholic beverages for consumption by guests on premises and in which the serving of food is only incidental to the consumption of such beverages.

3) *Business*. Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including for-profit and non-profit entities, private clubs, and retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.

4) *Electronic smoking device*. Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name of descriptor and any cartridge or other component of the device or related product.

5) *Employee*. Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers services to a non-profit entity.

6) *Employer*. Any person or entity who employs the services of one or more individuals.

7) *Enclosed area*. Any covered space having more than 50 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a covered porch with more than two walls; or any space open to the sky having more than 75 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a courtyard.

8) *Place of employment*. Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways, and vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

9) *Private club*. An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used for club purposes, which is operated for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

10) *Public place*. Any City-owned or managed park and recreational facilities, including parks, trails, open space, and special use areas, City-owned bicycle parking structures, and City-owned transit shelters, and any enclosed area to which the public is invited or in which the public is permitted including but not limited to banks, education facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

11) *Restaurant*. Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

12) *Retail tobacco store*. A retail store utilized primarily for the sale of tobacco products and accessories and in which sale of other products is merely incidental.

13) *Service line*. Any indoor line or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

14) *Smoking*. Any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. Smoking also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form.

15) *Sports arena*. Any sports pavilion, gymnasium, health spa, swimming pool, roller rink, bowling alley, and other places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

16) *Tobacco product*. Any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. "Tobacco Product" includes any electronic smoking device. "Tobacco Product" does not mean any product that the United States Food and Drug Administration has approved as a tobacco use cessation product.

(Ord. 2020-17§ 28, 09/21/2020; Ord. No. 2013-17, § 1, 12/16/2013; Ord. 2013-09 § 1, 06/03/2013; Ord. 2006-01 § 1, 01/03/2006)

Section 5.03.090.060.01 - Definitions.

For purposes of this Section, the following definitions shall apply:

- 1) *Dwelling*. A building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.
- 2) *Enter or remain unlawfully*.
 - a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so; or
 - b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.
 - c) To enter premises that are open to the public after being lawfully directed not to enter the premises; or
 - d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.
- 3) *Open to the public*. Premises by which their physical nature, function, custom, usage, notice, or lack thereof, or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.
- 4) *Person in charge*. A person, a representative of the person, or an employee of the person who has lawful control of premises by ownership, tenancy, official position, or other legal relationship. It includes, but is not limited to, the person, or holder of a position, designated as the person or position holder in charge by the governor, board, commission, or governing body of any political subdivision of this State.
- 5) *Premises*. Any building and any real property whether privately or publicly owned.

(Ord. 2020-17§ 28, 09/21/2020; Ord. 2011-14 § 1, 10/03/2011; Ord. 88-50 § 7, 1988; Ord. 82-77 § 108.06.01—108.06.03, 1982)

Section 5.03.100.040.02 - Selling on public ways prohibited.

- 1) No person shall use any public way or any portion thereof for the selling, storing, or displaying of any merchandise or equipment, except that newsracks may be placed and maintained in the public way subject to compliance with the standards and conditions set out in Subsections 5.03.100.040.03 and 5.03.100.040.04 below.
- 2) Notwithstanding the provisions of subparagraph 1) above, traditional events and festivals with a long local history may apply to the City Manager or a designee of that office for a permit to use the public ways to display and sell merchandise and wares while the event or festival is underway. For Farmers' Market, this would include all Saturdays from mid-April through mid-November. A change in the duration or location of the event or festival would be cause for a City Council discussion and approval/disapproval.

3) A violation of this Section is a Class A Infraction.

Section 5.03.150.020 - Liability imposed.

1) Each person responsible for, or engaged in, activity or conduct requiring police response and resulting in the imposition of a special response fee as defined in subsection 5.03.150.010 of this Section shall be held jointly and severally liable for payment of the costs included in that special response fee. If any person responsible for, or engaged in, the activity or conduct is a minor, the minor's parent(s) or guardian(s) shall also be liable for such fee.

2) Affirmative defense. A person charged for a special response fee under the terms of Section 5.03.150.010 may demonstrate to the City Manager (by providing a valid driver's license or utility bill or other similar document satisfactory to the City Manager) that the person has vacated the property and officially changed address and/or residency so that the person no longer had control of the location where the activity or conduct occurred at the time the special response fee was charged. If the documents show clearly and unambiguously on their face that the change of address was effective prior to the date of the subsequent police response set out in Section 5.03.150.010, the City Manager shall waive the special response fee charges and no appeal to a hearings officer is required.

(Ord. 2020-17§ 28, 09/21/2020; Ord. 2013-08 § 8, 06/03/2013; Ord. 2010-17 § 2, 08/16/2010; Ord. 82-77 1972)

**CHAPTER 5.04
NUISANCES**

Section 5.04.110 – Assessment of costs.

1) The City Manager shall post a notice on the premises where the nuisance was abated to the owner or person in charge of the property stating:

- a) The total cost of abatement including the administrative overhead;
- b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;
- c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, that person may file a written notice of objection with the City Manager not more than 10 days from the date of the notice.

2) Upon the expiration of ten (10) days after the date of the notice, the hearings officer shall hear and determine the objections to the costs to be assessed.

3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by the hearings officer shall thereupon be entered in the docket of City liens and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2020-17§ 29, 09/21/2020; Ord. 85-46 § 8, 1985; Ord. 82-79 § 11, 1982)

**CHAPTER 5.06
TRANSIT REGULATIONS**

Sections:

5.06.020- Definitions.

5.06.030.010 – Prohibited acts.

Section 5.06.020- Definitions.

1) Corvallis Transit System. The property, equipment and improvements of whatever nature owned, leased or controlled by the City to provide public transportation for passengers or to provide for movement of people, and includes any City transit vehicle and any City passenger shelter.

2) City transit vehicle. A bus, trolley, van or other vehicle used to transport passengers and owned or operated on behalf of the City.

3) City passenger shelter or shelter. A structure provided along a transit route for the purpose of providing seating and/or protecting transit passengers from inclement weather and that publicly-owned area within three (3) feet of the structure.

4) Emergency. An on-board City transit vehicle fire, serious physical injury to person(s), or threat thereof, or any apparently urgent medical need, or any action which threatens the safe operation of a transit vehicle and its passenger(s).

5) Peace officer. Includes a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and such other persons as may be designated by law.

6) Transit Manager. The Transit Manager of the City of Corvallis or a designated representative of that office.

7) Unreasonable Interference with the safe and efficient operation of the transit system. Includes any action by a person or persons which reduces the overall safety, timeliness, convenience or accessibility of drivers, vehicles or facilities of the transit system in a manner no reasonable person would allow.

(Ord. 2020-17§ 30, 09/21/2020; Ord. 2006-06 § 1, 02/21/2006; Ord. 96-25 § 1, 1996)

Section 5.06.030.010 – Prohibited acts.

No person shall:

1) In any manner hang onto or attach any part of the person to any exterior part of a City transit vehicle at any time;

2) Ride a skateboard, roller skates, or roller blades in a City transit vehicle or shelter;

3) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, aboard a City transit vehicle;

4) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, in a transit shelter;

5) Activate the "Emergency Exit", "Emergency Stop", or alarm device of a City transit vehicle in the absence of an emergency;

6) Bring aboard a City transit vehicle or take into a shelter:

a) any flammable fuel containers, or

b) any flammable liquid, except in a cigarette lighter.

7) No person shall extend any portion of the body through any door or window of a City transit vehicle while it is in motion.

(Ord. 2020-17§ 30, 09/21/2020; Ord. No. 2014-02 , § 1, 03/03/2014; Ord. 2006-06 § 2, 02/21/2006; Ord. 96-25 § 1, 1996)

**CHAPTER 5.07
CHRONIC NUISANCE PROPERTY**

Section 5.07.020 – Chronic nuisance property.

- 1) Any property within the City that becomes a chronic nuisance property, as defined herein, is in violation of this Chapter and subject to its remedies.

- 2) Any person who permits property under the ownership or control of the person to be a chronic nuisance property, as defined herein, shall be in violation of this Chapter and subject to its remedies.

(Ord. 2020-17§ 31, 09/21/2020; Ord. 2008-22 § 1, 12/15/2008)

**CHAPTER 6.01
JUNIOR SAFETY PATROL**

Section 6.01.030 – Uniforms and badges.

- 1) It shall be the duty of every officer seeking to enforce the traffic laws of this City to be in uniform or to have conspicuously displayed a conspicuous badge indicating official authority.

- 2) For the purposes of this Section the term "officer" as used in subsection 1) shall mean and include members of the Corvallis junior safety patrol.

(Ord. 2020-17§ 32, 09/21/2020; Ord. 1574 § 3, 1947)

**CHAPTER 6.04
TAXICAB STANDS**

Section 6.04.040 – Parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by the person (other than a taxicab licensed under said Chapter 8.07) to be upon any street in Corvallis in any parking space designated as a taxicab stand as above provided and marked as above provided.

(Ord. 2020-17§ 33, 09/21/2020; Ord. 50-47 § 4, 1950)

**CHAPTER 6.05
SPECIAL PARKING PERMITS**

Sections:

- 6.05.010 – Licensing.**
- 6.05.020 – Courtesy parking permits.**

Section 6.05.010 – Licensing.

The City Manager is authorized to issue to an applicant a license granting to the licensee the exclusive use of a parking space on the streets of Corvallis while the licensee is engaged in performing work requiring the use of a parking space for a service vehicle of a mechanic or utility. Each applicant for such a license shall pay to the City a fee as provided in the Fees Chapter. If the City Manager determines in the City Manager's reasonable discretion that the applicant qualifies for such a license, the City Manager shall

issue to the licensee a parking meter hood, device, or sign which shall indicate the serial number of the license represented by that hood, device, or sign, and which shall warn the public in bold lettering that parking is not permitted by the public at the space where the hood, device, or sign is in place. The licensee is granted the exclusive use of a parking space selected by the licensee during the time that hood, device, or sign is in place during the time the licensee is engaged in performing work requiring use of such a parking space for a service vehicle of a mechanic or utility, but during no other time. While the parking space is so marked with a hood, device, or sign, no person other than the licensee shall cause, allow, permit, or suffer any vehicle operated or controlled by that person to be parked in the parking space so marked.

(Ord. 2020-17§ 34, 09/21/2020; Ord. 72-13, 1972; Ord. 50-48 § 1, 1950)

Section 6.05.020 – Courtesy parking permits.

1) The City Manager (or designated staff) is authorized to issue at no charge, subject to availability of parking and the exercise of reasonable discretion, courtesy parking permits to:

- a) Volunteers performing services for the City, including but not limited to Library volunteers, task force, board and commission members, Dial-A-Bus volunteers, and Parks and Recreation volunteers;
- b) City employees acting in the course of official City business;
- c) Contractors performing services for the City;
- d) Persons whose usual parking areas are temporarily unavailable for use due to construction projects;
- e) Persons visiting City Hall for meetings and interviews;
- f) Contractors performing construction work in residential parking districts;
- g) Officials of other public agencies meeting with City of Corvallis officials or otherwise engaged in City business;
- h) Benton County employees acting in the course of official business and using a Benton County owned and operated vehicle.
- i) Persons serving as jurors in Benton County District Court, Benton County Circuit Court, or Corvallis Municipal Court;
- j) Elected officials of the City.

2) Courtesy parking permits shall be valid for a period to be determined by the City Manager; this period may vary depending on the purpose for which the courtesy permit is issued. Courtesy parking permits shall not be valid at 24-minute parking meters. The City Manager may impose such additional restrictions and conditions with respect to location and hours of use as the City Manager deems in the best interest of the City.

(Ord. 2020-17§ 34, 09/21/2020; Ord. 2003-06 § 1, 02/18/2003; Ord. 94-34 § 2, 1994)

**CHAPTER 6.07
DISPOSITION OF PERSONAL PROPERTY; ABANDONED VEHICLES**

Sections:

- 6.07.010 – Seizure or abandonment.**
- 6.07.020 – Sale at public auction.**
- 6.07.030 – Certificate of sale.**
- 6.07.040 – Property owner rights after sale.**

Section 6.07.010 – Seizure or abandonment.

1) Whenever any automobile, motorcycle or other motor vehicle, or any bicycle, or any part thereof, or any other personal property, shall be taken into custody by the Chief of Police of Corvallis, Oregon, or anyone the Chief of Police so designates, by reason of seizure or abandonment, or for any other lawful reason, the same shall be held at the expense and risk of the owner or person lawfully entitled to possession thereof.

2) If a motor vehicle is removed and held by or at the direction of the Chief of Police of the City, the Chief of Police shall cause the vehicle to be appraised, and shall make all reasonable efforts to ascertain the names and addresses of the legal owner and owner or person entitled to possession of the vehicle taken into custody. If the names and addresses of such owners or persons entitled to possession can be ascertained, then the Chief of Police shall notify each of the owners of the location of the vehicle. If the vehicle is registered in the office of the Motor Vehicles Division of the State of Oregon, notice is deemed given when a registered or certified letter addressed to the registered owner of the vehicle, and a similar letter addressed to the legal owner, if any, at the respective latest address of each shown by the records of the office of the Motor Vehicles Division, return receipt requested and postage prepaid thereon, is mailed at least 20 days before the vehicle is sold hereunder. This same procedure of notice shall be followed for each vehicle registered in states other than Oregon through that state's equivalent to Oregon's Motor Vehicles Division.

3) Notwithstanding 6.07.010 1) and 2), if a vehicle is valued at \$1,000 or less by a licensed State of Oregon Vehicle Appraiser, the vehicle and contents will be sold to the towing agent in consideration for towing and storage charges, according to ORS 819.220, 87.192, and 87.196. After any vehicle has been sold under this Section, the former legal owner, owner, or person entitled to possession has no further right, title, claim, or interest in or to the vehicle itself.

(Ord. 2020-17§ 35, 09/21/2020; Ord. 95-11 § 1, 1995; Ord. 81-27 § 2, 1981; Ord. 73-84 § 1, 1973; Ord. 55-29 § 1, 1955)

Section 6.07.020 – Sale at public auction.

On January 1 and July 1 of each year, or more often if in the Chief of Police's judgment it shall be desirable, the Chief of Police shall transmit to the City Manager, or authorized representative, of the said City a list of all unclaimed motor vehicles valued at more than \$1,000, and bicycles and parts thereof, or any other personal property which has been in the possession of the Corvallis Police Department for 30 days or more, except such as are being held as evidence in any civil or criminal proceedings, together with a description thereof sufficient for identification; and the City Manager shall forthwith proceed to sell the same at the public auction. Notice of the time and place of such sale shall be given by posting notice thereof in three public places in the City for at least 10 days prior to the date of such sale; and such property shall be sold to the highest bidder for cash. The proceeds of such sale shall be first applied to the payment of the cost of such sale and the expense incurred in the preservation and custody of such motor

vehicle or bicycle or parts, or other personal property; and the balance, if any, shall be credited to the general fund of the City. After any vehicle has been sold under this Section, the former legal owner, owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself.

(Ord. 2020-17§ 35, 09/21/2020; Ord. 95-11 § 1, 1995; Ord. 81-27, 1981; Ord. 73-84 § 2, 1973; Ord. 55-29 § 2, 1955)

Section 6.07.030 – Certificate of sale.

At the time of the payment of the purchase price, the City Manager shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser and the duplicate copy thereof filed with the Chief of Police, which certificate of sale shall be in substantially the following form: "This is to certify that under the provisions of Chapter 6.07 of the Municipal Code of the City of Corvallis, Oregon, entitled: 'Disposition of Personal Property; Abandoned Vehicles' and pursuant to due notice of the time and place of sale, I did on _____, 20___, sell at public auction to for the sum of \$___ cash (the highest bidder and that being the highest sum bid therefor), the following described personal property, to wit: [Brief description of property] "And in consideration of the payment of the sum of \$___, receipt of which is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. "Dated this ___ day of _____, 20__.

City Manager "Note: The City assumes no responsibility as to the condition or title of the above-described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price."

(Ord. 2020-17§ 35, 09/21/2020; Ord. 88-17 § 1, 1988; Ord. 81-27 § 3, 1981; Ord. 73-84 § 3, 1973; Ord. 55-29 § 3, 1955)

Section 6.07.040 – Property owner rights after sale.

At any time within two years after such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to the owner out of the general fund upon making application therefor to the City Manager and presenting satisfactory proof of ownership.

(Ord. 2020-17§ 35, 09/21/2020; Ord. 88-17 § 2, 1988; Ord. 81-27 § 4, 1981; Ord. 55-29 § 4, 1955)

**CHAPTER 6.08
OVERSIZE VEHICLES**

Section 6.08.010 – Vehicle dimension stipulations.

1) No person, persons, copartnership, association, firm or corporation shall use or occupy any portion of any street or sidewalk in Corvallis, Oregon, for driving or moving any vehicle or combination of vehicles, including any load thereon, which shall exceed an outside width of eight feet two inches or a height of twelve feet six inches or a length of 35 feet for single vehicle and 50 feet for a combination of vehicles, or which vehicle or combination of vehicles, including load thereon, shall be wider, higher or longer than is permitted by State law without first obtaining a permit therefor from the office of the City Engineer, of the City, as hereinafter provided.

2) No person, persons, copartnership, association, firm or corporation shall permit any vehicle or combination of vehicles, owned by the person, persons, copartnership, association, firm or corporation, to be moved on or over any portion of any street or sidewalk in the City in violation

of this Chapter unless a permit therefor has been obtained from the City Engineer of the City as hereinafter provided.

(Ord. 2020-17§ 36, 09/21/2020; Ord. 56-20 § 1, 1956)

**CHAPTER 6.10
GENERAL TRAFFIC CODE**

Sections:

6.10.040.010 – Method of parking.

6.10.060.090 – Mechanical condition; riding on sidewalks.

6.10.070.010.01 – Emergency vehicle.

Section 6.10.040.010 – Method of parking.

1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes a compliance impossible.

2) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, the owner or driver shall immediately remove such vehicle from the area unless otherwise directed by Police or Fire officers.

(Ord. 2020-17§ 37, 09/21/2020; Ord. 80-77 § 2, 1980; Ord. 57-39 § 11, 1957)

Section 6.10.060.090 – Mechanical condition; riding on sidewalks.

1) No person shall ride a bicycle which is in an unsafe mechanical condition.

2) No person, except a Police officer in the performance of official duties, shall ride a bicycle upon a sidewalk within the following boundary, including any and all adjacent sidewalks:

The northerly side of NW Jackson Avenue between NW Fifth Street and the west side of the Riverfront bike path, the westerly side of Fifth Street between NW Jackson Avenue and SW Jefferson Avenue, and the southerly side of SW Jefferson Avenue to the west side of the Riverfront bike path; and the northerly side of Monroe Avenue between Fourteenth Street and Twenty-sixth Street, and the southerly side of Monroe Avenue between Fourteenth Street and Twenty-sixth Street.

(Ord. 2020-17§ 37, 09/21/2020; Ord. 98-48, Renumbered, 12/07/1998; Ord. 93-06 § 3, 1993; Ord. 90-35, 1990; Ord. 86-22 § 2, 1986; Ord. 83-63, 1983; Ord. 71-4, 1971; Ord. 67-12, 1967; Ord. 57-39 § 46, 1957)

Section 6.10.070.010.01 – Emergency vehicle.

The provisions herein regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles including but not being limited to the following: vehicles operated by Corvallis Police Department, Oregon State Police, Corvallis Fire Department including vehicles of volunteers equipped with and using where applicable red light and siren, Corvallis ambulance service, Benton County Sheriff's Office, and other State law enforcement agencies; except as provided by the Motor Vehicle Laws of the State of Oregon as follows:

- 1) A driver when operating such vehicle in an emergency, except when otherwise directed by a Police officer or other authorized person, may park or stand notwithstanding the provision herein.
- 2) A driver of a Police vehicle or Fire Department or patrol vehicle when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as doing so does not endanger life or property.
- 3) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of recklessly disregarding the safety of others.

CHAPTER 6.11 PARKING METERS

Sections:

- 6.11.050 – Marking of on-street parking places**
- 6.11.060 – Hours of operation.**
- 6.11.070 – Time limits.**
- 6.11.120 – Violations record and citation.**
- 6.11.130 – Authority to withdraw meter and parking space from use.**
- 6.11.170 – Regular collection of money deposited.**
- 6.11.180 – Marking off-street parking spaces.**
- 6.11.190 – Restricted vehicles.**
- 6.11.290 – Marking of spaces in the Downtown parking area.**
- 6.11.300 – Downtown free customer parking area; time limitations.**
- 6.11.310 – Downtown free customer parking area; user identification.**
- 6.11.340 – Downtown free customer parking area signs.**

Section 6.11.050 – Marking of on-street parking places

The City Manager shall paint lines or markings adjacent to each parking meter designating the parking space for which the meter is to be used. No persons shall cause, allow, permit or suffer any vehicle owned, operated or controlled by the person to be parked across any such line or marking, or to be parked in such a position that it is not entirely within the space designated by such lines or markings.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 59-107 § 5, 1959)

Section 6.11.060 – Hours of operation.

No person shall cause, allow, permit or suffer any vehicle owned, operated or controlled by the person to be parked in a marked space regulated by a parking meter or pay-station at any time when the parking meter or pay-station shows a signal indicating that parking in the space has not been paid for between the hours of 9:00 am and 5:00 pm of any day except Sundays and holidays unless a valid 10-hour parking permit as per Section 6.11.380 is attached to the vehicle while parked at a metered 10-hour space.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 2004-19 § 2, 10/04/2004; Ord. 79-34 § 2, 1979; 59-107 § 6, 1959)

Section 6.11.070 – Time limits.

No person shall cause, allow, permit, or suffer any vehicle owned, operated or controlled by the person to be parked in a marked space, regulated by a parking meter or pay-station, between the hours specified and on a day not excepted in Section 6.11.060 herein, for a period of time longer than the maximum time which will show on the parking meter or pay-station, whether or not the parking meter or pay-station

indicates that parking in the space has been paid for unless a valid 10-hour parking permit is attached to the vehicle while parked at a metered 10-hour space. Each instance of such over-parking for a period of time equal to the maximum period of time which will show on the parking meter or pay-station shall be a separate offense.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 2004-19 § 3, 10/04/2004; Ord. 59-107 § 7, 1959)

Section 6.11.120 – Violations record and citation.

The City Manager shall keep account of all violations of this Chapter. The City Manager shall keep an account of and report the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions herein, the date and hour of such violation, the make and the State license number of such vehicle, and any other facts a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation. The City Manager shall cause to be attached to vehicles parked in violation hereof a notice stating that it has been parked in violation.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 59-107 § 12, 1959)

Section 6.11.130 – Authority to withdraw meter and parking space from use.

For emergency requirements the City Manager may at any time withdraw a meter from use by the public by covering the head of such meter with a hood having printed plainly thereon: "No parking. Police Department." No person shall cause, allow, permit, or suffer any vehicle operated or controlled by the person to be parked in a marked space adjacent to any meter covered by such a hood.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 59-107 § 13, 1959)

Section 6.11.170 – Regular collection of money deposited.

The City Manager shall designate some person or persons to make regular collections of the money deposited in said parking meters, and shall count the money and place it in a special account to be known as the "parking meter account," which account shall be used exclusively for the purposes specified in Section 6.11.160. Each person making such collections shall be bonded in the sum of \$1,000.00 to insure the faithful performance of duties.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 88-17 § 3, 1988; Ord. 59-107 § 17, 1959)

Section 6.11.180 – Marking off-street parking spaces.

The City Manager may mark and maintain markings delineating each individual parking space on the surface used for parking in each off-street permit parking area of the City. Such marking may include markings to reserve one or more spaces exclusively for parking of motor bikes, motor scooters, motorcycles and bicycles. The City Manager shall determine the necessity for and the size and location of all spaces according to the City Manager's reasonable determination of the safety, convenience, and necessity of the public.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 71-75, 1971; Ord. 59-107 § 21, 1959)

Section 6.11.190 – Restricted vehicles.

No person shall cause, allow, suffer, or permit any vehicle other than a motorbike, motor scooter, [or] motorcycle owned, operated, or controlled by the person to be parked in an off-street free parking area or off-street permit parking area within a space or area marked for the parking of motor bikes, motor scooters, or motorcycles.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 69-139, 1969; Ord. 66-89, 1966; Ord. 65-81, 1965)

Section 6.11.290 – Marking of spaces in the Downtown parking area.

Within the Downtown parking area designated in Section 6.11.280 of this Chapter, the City Manager shall cause each parking space in a street or within an off-street free parking area to be clearly marked and numbered upon the adjacent curb or the paved surface of the street or off-street free parking area. The City Manager shall determine the necessity for and the size and location of all parking spaces according to the City Manager's reasonable determination of the safety, convenience and necessity of the public. Such markings may include markings to reserve one or more spaces exclusively for parking of motorbikes, motor scooters, motorcycles and bicycles.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 71-75 (part), 1971)

Section 6.11.300 – Downtown free customer parking area; time limitations.

1) Except as provided in subsections 2) and 3) [below], no person shall, while at the person's residence, place of employment, educational institution, or registered as a guest in a hotel or motel, which is located within the City limits, cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in any one or more parking spaces upon the public streets or off-street free parking areas within the downtown free customer parking area as designated in Section 6.11.370 between 9:00 am and 5:00 pm Monday - Saturday.

a) For purposes of this Section, the term "employment" shall include being engaged for wages, credit or other remuneration or as a volunteer for a public or private enterprise.

2) This Section shall not apply on Sundays or holidays and to persons lawfully parked in a limited-time parking space or quarterly permit space within the downtown parking area.

3) Employer-owned or controlled vehicles shall be permitted in designated loading zones, subject to the limitations on the use of such zones contained in Chapter 6.10, as amended.

4) Any person violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine of not less than \$40.00 for the first conviction of this Section within the three years preceding the violation; not less than \$50.00 for the second conviction of a violation of this Section within the three years preceding the violation; not less than \$100.00 for the third and every subsequent conviction of a violation of this Section within the three years preceding the violation.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 2004-19 § 5, 10/04/2004; Ord. 85-19 § 1, 1985; Ord. 82-13 § 1, 1982; Ord. 78-96 § 1, 1978; Ord. 73-63, 1973; Ord. 71-75 (part), 1971)

Section 6.11.310 – Downtown free customer parking area; user identification.

1) Upon request by the City, every employer who employs one or more persons who work in or have as a primary place of employment a location within the Downtown free customer parking

area shall provide to the City the employer's and employees' names and residence addresses and vehicle license number of vehicles owned, operated or controlled by each employer and employee.

2) Every resident residing within the Downtown free customer parking area shall provide to the City the resident's name and residence address, and vehicle license number of vehicles owned, operated or controlled by the resident.

3) Upon request by the City, every owner or operator of an educational institution located within the Downtown free customer parking area shall provide to the City the names and residence addresses of all its students and vehicle license number of vehicles owned, operated or controlled by each student.

4) Any person violating any of the provisions of this section shall be subject, upon conviction, to a fine of not more than \$300.00 for each offense.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 2010-27 § 1, 12/06/2010; Ord. 2007-06 § 1, 04/16/2007; Ord. 2005-12 § 1, 06/20/2005; Ord. 2004-19 § 6, 10/04/2004; Ord. 85-19 § 2, 1985)

Section 6.11.340 – Downtown free customer parking area signs.

1) The City Manager shall post and maintain one or more signs at each street entrance to the downtown free customer parking area stating, in substance, the following information.

a) That parking at any free customer parking spaces within the Downtown free customer parking area by persons while at a place of employment or at their residence between 9:00 am and 5:00 pm, except Sundays and holidays, is prohibited.

b) That free customer parking is allowed for shoppers, those having business downtown and visitors with a maximum time limit of three hours.

2) The City Manager shall post and maintain one or more signs at each off-street free customer parking area stating, in substance, the same information as provided under subsection 1) of this Section.

3) The City Manager may add any other information to any sign which the City Manager finds informative and convenient to the public concerning the provisions herein.

(Ord. 2020-17§ 38, 09/21/2020; Ord. 2010-33 § 2, 12/20/2010; Ord. 2004-19 § 7, 10/04/2004; Ord. 78-96 § 2, 1978; Ord. 71-75 (part), 1971)

CHAPTER 6.13
MOTOR VEHICLE OPERATION PROHIBITED

Sections:

6.13.020 – Definitions.

6.13.030 – Prohibition prescribed.

Section 6.13.020 – Definitions.

- 1) Driver or operator. Any person who is in actual physical control of a vehicle upon the highways or streets of the City.
- 2) Highway, road, or street. The entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular traffic.
- 3) Motor vehicle. Any vehicle which is self-propelled.
- 4) Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the property owner, but not used by other persons.
- 5) Vehicle. As used herein, every device in, upon or by which any person or property is or may be transported, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 6.13.030 – Prohibition prescribed.

It shall be unlawful for any person to operate a motor vehicle on any road, thoroughfare or property in private ownership within the City, or in the ownership of the City. This does not include any highway, road or street publicly maintained and open to the use of the public for purposes of vehicular traffic, nor does it include any private road or driveway used for vehicular travel by the owner and those having express or implied permission from the property owner.

(Ord. 2020-17§ 39, 09/21/2020; Ord. 73-81 § 3, 1973)

CHAPTER 6.14
TOWING OF VEHICLES

Section 6.14.020 – Authority.

- 1) Any vehicle parked or left standing in violation of any City ordinance or regulation may be taken into custody by the Chief of Police and taken to a garage, parking lot, or other suitable place, and shall be held at the expense of the owner or person entitled to possession of the vehicle. The Chief of Police may utilize Police personnel, equipment and facilities for the removal and preservation of the vehicles or may hire other personnel, equipment and facilities for that purpose.
- 2) A Police Officer may impound vehicles operated by persons who the Officer has probable cause to believe has committed any of the following offenses: Driving Under the Influence of Intoxicants (ORS 813.010); Driving While License is Suspended or Revoked (ORS 811.182);

Driving While Suspended or Revoked (ORS 811.175); Operating Without Driving Privileges or Violating License Restrictions (ORS 801.010); and Driving Uninsured (ORS 806.010) when there is a clear and present traffic safety need to tow or impound the vehicle. This section establishes City Policies and Procedures to use this authority to best assist in increasing traffic safety and to provide opportunity for hearings contesting the validity of impoundments.

3) The Chief of Police shall establish policies and procedures for impounding vehicles under the authority of ORS 809.716 and ORS 809.720 in order to best assist in increasing traffic safety. The Chief of Police shall establish the actual administrative costs of impoundment. For purposes of Section 1) above, the expense of the owner or person entitled to take possession of the vehicle shall include the actual administrative costs of impoundment or towing.

(Ord. 2020-17§ 40, 09/21/2020; Ord. 2003-01 § 1, 01/06/2003; Ord. 81-26 § 2, 1981)

CHAPTER 6.15 RESIDENTIAL PARKING PERMIT DISTRICTS

Sections:

6.15.040 – Issuance of permits; placement of signs.

6.15.060 – Parking permit violations.

Section 6.15.040 – Issuance of permits; placement of signs.

1) The City Engineer shall cause residential parking district signs to be erected to designate the location of each district.

2) A permit shall be issued upon application and payment of the permit fee only to the owner or the operator of a motor vehicle who resides on property within that residential parking district, not to exceed three per kitchen (as defined in the Land Development Code) in a dwelling unit; except for cooperatives, fraternities, and sororities (as defined in the Land Development Code), in which cases, the number of permits issued will not exceed 20 per kitchen. Only one permit may be issued per registered vehicle owned or operated by a person residing within the permit zone.

3) Permits shall be valid from the date of issuance to and including the next following August 31 and may be renewed annually for a term of one (1) year beginning on September 1.

4) Residential parking permit fees shall be determined by Council.

5) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, motor vehicle's make, model, registration number, and the applicant's driver's license number. The permit shall display the permit number and expiration date.

6) The permit shall be nontransferable. If the holder of a valid permit sells, gives, or otherwise disposes of a vehicle for which the permit has been issued, a new permit will be issued to the holder of said valid permit upon the surrender of the valid permit and the filing of an application for a permit for another vehicle owned or operated by the holder of the surrendered permit and eligible for a permit under the provisions herein. The new permit shall be valid for the same period of time that the surrendered permit was valid and shall be issued at no additional charge to the permit holder.

7) The City Manager or designee is authorized to issue temporary parking permits to bona fide visitors of residents in residential parking districts.

8) Notwithstanding anything herein to the contrary, the following special provisions apply to employers:

- a) Up to three permits may be issued to the employer, for use by the proprietor or employees of the business. These permits are transferable among the employees of that business;
- b) The permit may be used only for parking while the proprietor or employee is at the place of employment;
- c) A permit held by a person in violation of these provisions may be revoked and future permits may be denied or restricted;
- d) To the extent applicable, all other provisions herein shall apply.

9) Notwithstanding anything herein to the contrary, the following special provisions apply to employers located in District "C":

- a) Employers may purchase one permit for each 400 square feet of office space in the building for use by the proprietor or employees of the business. These permits are transferrable among the employees of that business.
- b) The permit may be used only for parking while the proprietor or employee is at the place of employment.
- c) A permit held by a person in violation of these provisions may be revoked and future permits may be denied or restricted.
- d) To the extent applicable, all other provisions herein shall apply.

(Ord. 2020-17§ 41, 09/21/2020; Ord. No. 2016-09 , § 2, 05/16/2016; Ord. No. 2015-12 § 1, 07/20/2015; Ord. No. 2015-03 §§ 1, 2, 02/17/2015; Ord. No. 2014-05 § 1, 06/02/2014; Ord. 2010-16 § 1, 07/19/2010; Ord. 89-45 § 2, 1989; Ord. 89-08 § 2, 1989; Ord. 88-08 § 4, 1988; Ord. 82-66 § 4, 1982)

Section 6.15.060 – Parking permit violations.

It shall be unlawful for any person to:

- 1) Represent entitlement to a residential parking permit when that person is not so entitled;
- 2) Fail to surrender a permit to which the holder is no longer entitled; or
- 3) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

(Ord. 2020-17§ 41, 09/21/2020; Ord. No. 2015-03 , §§ 1, 2, 02/17/2015; Ord. No. 2014-05 , § 1, 06/02/2014; Ord. 82-66 § 6, 1982)

**CHAPTER 6.17
PEDICAB STANDS**

Section 6.17.040 – Parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by the person (other than a pedicab licensed under said Chapter 8.12) to be upon any street in Corvallis in any parking space designated as a pedicab stand as above provided and marked as above provided.

(Ord. 2020-17§ 42, 09/21/2020; Ord. 2009-08 § 1, 05/18/2009)

**CHAPTER 7.04
ALARM CONTROL**

Section 7.04.070 –

Whenever a user of an alarm system deems it necessary to test or otherwise intentionally set off or activate an alarm system located on user's premises, user shall notify user's monitoring station that the user intends to test or otherwise intentionally activate that alarm prior to actual tests being conducted. Failure to do so will result in that user being considered as having had a false alarm.

(Ord. 2020-17§ 43, 09/21/2020; Ord. 86-2 § 6, 1986; Ord. 76-30 § 8, 1976)

**CHAPTER 7.06
BURNING OF COMBUSTIBLE MATERIALS**

Section 7.06.040 – Authorization by City Manager of burning periods.

- 1) The City Manager or City Manager's designee shall:
 - a) Make public those periods during which burning may be conducted.
 - b) Declare and prohibit burning on prohibited days.
- 2) The City Manager or City Manager's designee may:
 - a) Grant permission for burning on authorized burning days.
 - b) Promulgate rules and regulations prescribing reasonable standards for the protection of persons and property and the minimizing of air pollution by specifying minimum distances between fire and streets, sidewalks and objects subject to damage by fire or smoke, minimum standards for structure and maintenance of burners, and minimum standards for supervision of burning.
 - c) Conduct such inspections of burners and places where fires are held or to be held as deemed necessary to assist in carrying out duties hereunder.
 - d) Suspend or revoke permission to burn whenever, in the City Manager's opinion, the person to whom the permit was issued has burned or allowed the burning of combustible

materials contrary to the provisions herein or the rules and regulations promulgated herein.

(Ord. 2020-17§ 44, 09/21/2020; Ord. 79-54 § 4, 1979)

**CHAPTER 7.07
EXPLOSIVE MATERIALS CODE**

Sections:

7.070.030 – Definitions.

7.07.060 – Permits required.

7.070.090 – Bond insurance required.

Section 7.070.030 – Definitions.

- 1) Authority having jurisdiction. As used herein, the City Manager. (Amends definition contained in Section 1-4 of Pamphlet 495.)
- 2) Chief. As used herein, the Fire Chief of the City of Corvallis, Oregon, or an authorized representative of that office.
- 3) Jurisdiction. As used herein, the City of Corvallis and any property owned by the City.
- 4) Permit. As used herein, the written authority of the City Manager or authorized representative issued pursuant to Chapter 7.07 to manufacture, have, keep, store, sell, transport, or use an explosive or blasting agent.
- 5) Person. As used herein, every natural person, firm, partnership, association or corporation.

(Ord. 2020-17§ 45, 09/21/2020; Ord. 83-57 § 4, 1983)

Section 7.07.060 – Permits required.

No person shall possess, manufacture, transport, store, keep, use, or sell explosives in the City unless the person has legally obtained from the State of Oregon the required Certificate of Possession or Certificate of Registration, has met all the applicable requirements set forth in Chapter 480 of the Oregon Revised Statutes, and has obtained a permit from the City as required in Section 7.07.070 herein.

(Ord. 2020-17§ 45, 09/21/2020; Ord. 83-57 § 7, 1983)

Section 7.070.090 – Bond insurance required.

- 1) Before a permit is issued to use explosive material in a blasting operation as required by Section 7.07.070 subsection 1)c) herein, the applicant shall file with the City a corporate surety bond in the principal sum of \$300,000.00 or a public liability insurance policy issued by a company authorized to do business in the State of Oregon. The principal amount of the insurance policy shall be not less than \$300,000.00. The City Manager may specify a greater or lesser amount of principal sum when, in the City Manager’s opinion, conditions at the location of use indicate a greater or lesser amount is required.
- 2) The filing of the surety bond or the insurance policy shall be for the purpose of the payment of all damages to persons or property which arise from or are caused by the conduct of any act authorized by the permit upon which any legal judgment results.

3) The policy shall name the permittee and all persons and employees responsible for carrying out the activities authorized by the permit as the insureds. The insurance policy shall provide coverage for all activities covered by the permit. Said insurance policy shall indemnify the City and its officers, agents, and employees.

4) The permittee and all persons responsible for carrying out the activities authorized by the permit shall hold the City, its officers, agents, and employees harmless from any and all loss which is proximately caused by any activity authorized by the permit, including, but not limited to, costs, attorney's fees, or judgments incurred or rendered in any and all suits or actions brought as a result of permitted activities, whether the suits or actions be well founded in law or otherwise. The City assumes no responsibility for any damage caused by the actions of the permittee or permittee's authorized employees or agents acting in compliance with or in violation of a permit issued.

(Ord. 2020-17§ 45, 09/21/2020; Ord. 83-57 § 10, 1983)

CHAPTER 7.08 CORVALLIS FIRE CODE

Sections:

7.08.100 – Cost recovery procedures.

7.08.140 – Explosives and fireworks.

Section 7.08.100 – Cost recovery procedures.

1) OFC Section 113 is amended by adding Section 113.6, Section 113.6.1, Section 113.6.2, Section 113.6.3, Section 113.6.4, and Section 113.6.5, as follows:

113.6 Cost Recovery Procedures. Whenever the fire chief has taken action to abate or cleanup a hazardous condition under the OFC Section 109, the owner of the property shall be liable for the cost of cleanup or, abatement of the condition in the manner provided in this Section.

113.6.1 Costs. The fire chief shall keep an accurate record of the expenses incurred by the City in abating or cleaning up the condition. Costs shall include, but not be limited to actual labor cost of City personnel, including workers compensation benefits and fringe benefits, cost of equipment operation, cost of materials obtained directly by the City, and cost of any contract labor and materials; plus administrative overhead in the amount of 20 percent of the sum of the foregoing costs.

113.6.2 Assessment of costs. The fire chief shall either post on the property, or serve on the owner or occupant of the property, and mail by certified mail to the owner of the property at the last known address as shown on the County tax records, a notice stating:

- 1) The fire chief's total costs of abatement, under Section 113.6.1 herein;
- 2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;
- 3) That, if the owner or person in charge of the property objects to the costs of abatement, the owner or person in charge of the property may file a written notice of objection with the City Manager not later than 10 days after the date of the notice.

113.6.3 Hearing. Upon receipt of written notice of objection within 10 days after the date of the notice, the City Manager shall appoint a hearings officer to hear and determine the objections to the costs to be assessed. The hearing shall be held within 30 days after the date of the notice.

113.6.4 Lien. If the costs of the abatement are not paid within 30 days after the date of the notice an assessment of the costs as stated in the notice or as determined by the hearings officer shall thereupon be entered in the docket of City liens. Upon such entry being made, the assessment shall constitute a lien upon the property upon which the condition was cleaned up or abated.

113.6.5 Enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from the date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2020-17§ 46, 09/21/2020; Ord. 2014-08 , § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 9, 1992; Ord 89-54 § 10, 1989)

Section 7.08.140 – Explosives and fireworks.

1) OFC Chapter 56 as adopted by this Chapter is amended to add Sections 5601.2 and 5601.7 as follows:

5601.2 Permits and regulations. Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section.

5601.2.1 General. Fireworks wholesale sales and storage of pyrotechnics, retail sales and storage of pyrotechnics, use and handling of pyrotechnical special effects material, use in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with this article and OAR Chapter 837, Division 12.

5601.2.2 Requirements. All persons, municipalities, associations, organizations, or groups of individuals desiring to sell, discharge, fire off, explode, or display fireworks for a public display shall meet the following requirements:

- 1) Obtain a permit from the office of the State Fire Marshal, and comply with the applicable requirements of OAR 837, Div 12.
- 2) Obtain a permit from the fire chief, and comply with all reasonable rules and regulations as adopted and enforced by the fire chief for the granting of a permit for supervised public displays or sales of fireworks or items described in OAR 837, Div 12.
- 3) Provide a bond in the sum of not less than \$10,000 conditioned on the compliance of the provisions in this article and the laws, rules, and regulations of the State Fire Marshal for all public displays.
- 4) Furnish proof of financial responsibility to satisfy the claims for damage to property or personal injuries arising out of any act or omission of the part of such person, firm, or corporation or any agent or employee associated with conduct of a public display in such amount, character and form as the fire chief determines to be necessary for the protection of the public.

5) Every public display held within the boundaries of the jurisdiction shall be under the supervision of the Chiefs of the Police and Fire Departments and shall be of such character and so located, discharged, or fired as in the opinion of the Chief of the Fire Department, after proper inspection shall not be hazardous to property or endanger any person.

6) No permit shall be issued under the provisions of this Article to a nonresident, person, firm, or corporation for the conduct of a pyrotechnic display in this jurisdiction until such person, firm, or corporation shall have appointed in writing a member of the Oregon State Bar whose major office is located in Corvallis upon whom all process in any action or proceedings against the person, firm, or corporation may be served.

7) All persons, municipalities, associations, organizations, or groups of individuals desiring to sell articles described in ORS 480.127 shall obtain a permit from the fire chief and comply with all reasonable rules and regulations ad [as] adopted and enforced by the fire chief for the granting of permits for sale of such items.

8) The fire chief may revoke permits for public display, display or sale of fireworks and other items described under the provisions of ORS 480.127 when in the fire chief's opinion, public display, display or sale of fireworks or items is not in compliance with the applicable rules and regulations governing such sale or display or is in violation of the Oregon Revised Statutes, and Administrative Rules. Permit fees shall not be refunded in the event such permits are revoked.

9) The City shall levy and collect from each person, organization, or entity sponsoring, owning, or operating an approved stand for the sale of exempt fireworks a fee in the amount of \$100.00 for each booth, stand, or other location where exempt fireworks are to be sold. The fee shall be paid to the City prior to and as a condition for the approval of such stand by the fire chief. The funds collected in accordance with this subsection may be used for community fireworks displays, educational, programs for fireworks safety, and the administration of this fee. The fee imposed herein shall be levied and collected on all stands now approved or to be approved by the fire chief for sales of exempt fireworks commencing in 1989.

5601.7 Seizure.

5601.7.1 General. The fire chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or pyrotechnics special effects material offered to expose for sale, stored, or held in violation of this Article.

5601.7.2 Post seizure notices. After items or materials which are prohibited by the terms herein have been taken into custody by the fire chief notice must be provided to the person who was in possession of the contraband. The notice must describe the nature and number of the items seized and the rights the person has to a hearing described further herein.

5601.7.3 Requests for hearing. A person claiming ownership of the contraband must request a hearing within five days after receipt of the notice. The request may be made in person or in writing and the failure to appear in person or deliver a letter within five days after receipt of the notice by the person claiming possession, shall act as a waiver of the right to a hearing. The request for a hearing must be delivered to the fire chief within the time specified above.

5601.7.4 Hearing. Upon request of the person claiming rights of possession of the contraband a hearing shall be held before a hearings officer appointed by the City Manager. The hearing shall be set and conducted within 48 hours of the receipt of the request, holidays, and Saturdays and Sundays not to

be included. The hearing can be set for a later date if the person claiming possession so requests. At the hearing the person claiming possession may contest whether the materials or items seized constitute contraband prohibited by the Code of the City.

5601.7.5 Findings of hearing officer. If the hearings officer finds that the action of the fire chief was valid the hearings officer shall order that the contraband shall be destroyed. If the hearings officer finds that the action of the fire chief in taking the contraband into custody was improper, the hearings officer shall order the material released to the person claiming possession. If the owner does not appear at the scheduled hearing the hearings officer shall deem that the request has been withdrawn and order that the contraband shall be destroyed.

5601.7.6 Manufacturing. The manufacturing of fireworks is prohibited except under special permit as required by local and state regulations. See Section 105.6.15.

5601.7.7 Pyrotechnic special effects material. A permit is required to manufacture, compound, store, or use pyrotechnic special effects material. A permit for use shall be granted only to a pyrotechnic operator. See Section 105.6.37.

(Ord. 2020-17§ 46, 09/21/2020; Ord. 2014-08 , § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord 93-40 § 33, 1992; Ord. 89-54 § 28, 1989)

CHAPTER 8.01 GENERAL BUSINESS LICENSES

Sections:

- 8.01.010.010 – License regulations.**
- 8.01.070.050 – Notice of rejection.**
- 8.01.070.100 – Information and false reports.**
- 8.01.070.140 – Carry and post license certificates.**
- 8.01.080.010 – Investigation and complaint.**
- 8.01.080.020 –Display of license.**
- 8.01.080.070 – Persons presently licensed.**

Section 8.01.010.010 – License regulations.

No person, an employee or agent shall engage in or conduct a business, occupation, profession, or activity, or allow the public to operate a machine or equipment, required to be licensed or for which a license fee is required to be paid hereby unless the license fee is paid and a license therefor issued by the City.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 91-22 § 1, 1991; Ord. 61-15 § 1, 1961)

Section 8.01.070.050 – Notice of rejection.

The City Manager shall act upon the application for a merchant patrol's license within 30 days after the filing thereof. If the City Manager disapproved the application, the City Manager shall mail to the applicant within 35 days after the date upon which the application was filed a notice of the action taken, stating the reasons for denial of the permit.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 41, 1961)

Section 8.01.070.100 – Information and false reports.

No merchant patrol, holding a license granted under the provisions herein, shall divulge to anyone other than the merchant patrol's employer, except as may be required by law, any information obtained in such employer's service. No merchant patrol, holding a license granted under the provisions herein shall make a false report or account to an employer.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 46, 1961)

Section 8.01.070.140 – Carry and post license certificates.

The licensees hereunder shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on the place of business as described in such license. The licensee and licensee's employees shall carry a certificate of the license issued hereunder at all times when performing services as a merchant patrol. The licensee hereunder shall furnish to the City Manager a current list of all employees employed at all times.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 50, 1961)

Section 8.01.080.010 – Investigation and complaint.

In all cases where no special provision is made herein to investigate an applicant for a license, Council, City Manager, or both may require the applicant to present personally before Council or City Manager as a condition of granting the license.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 11, 1980; Ord. 61-15 § 59, 1961)

Section 8.01.080.020 –Display of license.

A license issued for a business shall be conspicuously posted at all times in the licensee's place of business or if there is no place of business, the licensee shall have the license on their person.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 12, 1980; Ord. 61-15 § 60, 1961)

Section 8.01.080.070 – Persons presently licensed.

A person presently licensed on the effective date hereof to conduct business, occupation, profession, or capacity, or keep, maintain or operate a machine or equipment shall not be required to obtain a license under the provisions herein until the present license expires.

(Ord. 2020-17§ 47, 09/21/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 17, 1980; Ord. 61-15 § 65, 1961)

**CHAPTER 8.02
AERONAUTICAL LICENSES AND REGULATIONS**

Section 8.02.040– Conditions of licensing.

- 1) Except for licenses for Mobile Service Providers, each licensee under the provisions herein is required to hold, as a condition of the validity of such license, a valid lease or rental agreement with the City providing all ground space, auto parking and building requirements necessary to provide the services covered by that license, including reasonable office, waiting room, restroom, shop, storage and instruction space reasonably necessary to fulfill the functions covered by the license. Subject to available space in existing buildings, licensees may be required to provide substantial improvements at the licensees’ own expense.
- 2) Ground space allocation to licensees under the provisions herein shall be made in accordance with the master plan and the land use plan adopted by the City for development of the airport as those plans are now constituted or are hereafter changed.
- 3) All improvements on the airport shall comply with all codes applicable within the City. Structural and architectural design of all structures shall be subject to approval by the City Manager. Termination of a lease or rental agreement without other satisfactory arrangements having been made with the City shall automatically revoke a license for aeronautical service.

(Ord. 2020-17§ 48, 09/21/2020; Ord. 2002-36 § 1, 10/21/2002; Ord. 64-53 § 4, 1964)

**CHAPTER 8.03
FEES**

Sections:

- 8.03.010.030 – Exceptions.**
- 8.03.100.010 – Carnival and circus event fees.**

Section 8.03.010.030 – Exceptions.

The City Manager may issue any license or permit referred to herein for a period greater or less than a calendar year for the purpose of ultimate conformance of issuance or renewal of that license or permit with the calendar year basis provided in Section 8.03.010.020. The City Manager, in the City Manager’s reasonable discretion, may prorate the fee applicable to such a license or permit.

Section 8.03.100.010 – Carnival and circus event fees.

The applicable fees for the following activity, business, or event licensed under Chapter 8.01 shall be:

- 1) License Fee (non-refundable):
 - a) Carnival, Class I - \$617.00/week (or \$97.00 + \$97.00/day).
 - b) Carnival, Class II - \$52.00/week (or \$20.00 + \$7.00/day).
 - c) Circus - \$200.00/day.

d) Sideshow Accompanying or Exhibiting with a Circus (a single license is issued for each sideshow to the operator of the circus, whether the sideshow is operated by the circus or others by permission) - \$25.00/day.

2) Deposit (refundable):

a) Carnival, Class I - \$600.00.

b) The deposit shall be returned to the licensee following the term of the license if no damage has occurred to City property and if no cleanup activities are necessary in the public right-of-way; costs for damages or cleanup will be deducted from the deposit and the remainder, if any, refunded to the licensee; and costs in excess of the deposit shall be immediately due and payable from the licensee to the City.

CHAPTER 8.04 LODGING TAX

Sections:

8.04.020 – Tax imposed.

8.04.060 – Registration of tax collector; form and contents; execution; certificate of authority.

8.04.070 – Due date; returns and payments.

8.04.090 – Deficiency determinations; fraud; evasion; lodging tax collector delay.

8.04.100 – Redeterminations.

8.04.110 – Security for collection of tax.

8.04.130 – Refunds.

8.04.140 – Administration.

8.04.150 – Appeals.

Section 8.04.020 – Tax imposed.

1) For the privilege of occupancy in any lodging, each occupant shall pay a tax in the amount of 9 percent of the total retail price, including all charges other than taxes, paid by a person for occupancy of the lodging.

2) The total retail price paid by a person for occupancy of a lodging facility that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the lodging tax collector's business.

3) The tax constitutes a debt owed by the occupant to the City, which is extinguished only by payment to the lodging tax collector. The occupant shall pay the tax to the lodging tax collector at the time the rent is paid.

4) The lodging tax collector shall enter the tax on the tax collector's records when rent is collected. If rent is paid in installments, a proportionate share of the tax shall be paid by the occupant to the lodging tax collector with each installment. If, for any reason, the tax due is not paid to the lodging tax collector, the tax administrator may require that such tax shall be paid directly to the City.

5) In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, and commodities other than the furnishing of rooms, accommodations, and parking spaces in mobile home parks or trailer parks.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2018-14 , § 2, 05/07/2018; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 90-22, 1990; Ord. 83-55 § 1, 1983; Ord. 81-86 § 2, 1981; Ord. 73-82 § 3, 1973)

Section 8.04.060 – Registration of tax collector; form and contents; execution; certificate of authority.

1) Every person engaging or about to engage in business as a lodging tax collector in this City shall register with the tax administrator on a form provided by the City. Lodging tax collectors engaged in business at the time the ordinance codified in this Chapter is adopted must register not later than 30 calendar days after passage hereof. Lodging tax collectors starting business after the ordinance codified in this Chapter is adopted must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax, regardless of registration.

2) Registration shall set forth the name under which a lodging tax collector transacts or intends to transact business, the location of the tax collector’s place or places of business, and such other information to facilitate the collection of the tax as the tax administrator may require. The registration shall be signed by the lodging tax collector.

3) The tax administrator shall, within 10 days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and nontransferable. Each certificate and duplicate shall state the place of business to which it is applicable, and shall be prominently displayed in that place so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

4) Said certificate shall, among other things, state the following:

a) The name of the lodging tax collector;

b) The address of the hotel;

c) The date upon which the certificate was issued;

d) "This Lodging Tax Collector Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Lodging Tax Chapter of the City by registration with the tax administrator for the purpose of collecting from occupants the lodging tax imposed by said City and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any lawful business in an unlawful manner, or to operate a lodging facility without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City. This certificate does not constitute a permit."

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 82-57 § 1, 1982; Ord. 73-82 § 7, 1973)

Section 8.04.070 – Due date; returns and payments.

- 1) The tax imposed by this Chapter shall be paid by the occupant to the lodging tax collector at the time that rent is paid. All amounts of such taxes collected by any lodging tax collector are due and payable to the tax administrator on a quarterly basis on the last day of the month following the end of the calendar quarter with respect to all occupancy of lodging that ended during the reporting period to which the return relates.
- 2) On or before the last day of the month following each quarter, a return for the preceding quarter's tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every lodging tax collector liable for payment of tax.
- 3) Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of lodging tax collector for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.
- 4) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator at the tax administrator's office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.
- 5) For good cause, the tax administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Manager. Any lodging tax collector to whom an extension is granted shall pay interest at the rate of 1 percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this Chapter.
- 6) The tax administrator, if the tax administrator deems it necessary to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25, § 1(Exh. A), 09/03/2020; Ord. No. 2017-03, § 1, 03/06/2017; Ord. 73-82 § 8, 1973)

Section 8.04.090 – Deficiency determinations; fraud; evasion; lodging tax collector delay.

1) Deficiency determination. If the tax administrator determines that the returns are incorrect, the tax administrator may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within the possession of the tax collector or that may come into the tax collector's possession. One or more deficiency determinations may be made of the amount due for one, or more than one period; and the amount so determined shall be due and payable immediately upon service of notice, as provided in this Chapter; after which, the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 8.04.080.

- a) In making a determination, the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment

for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 8.04.080.

b) The tax administrator shall give to the lodging tax collector a written notice of determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the lodging tax collector at the address as it appears in the records of the tax administrator. In case of service by mail of any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office.

c) Except in the case of fraud, intent to evade the provisions of this Chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period expires the later.

d) Any determination shall become due and payable immediately upon receipt of notice, and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund if the petition is filed before the determination becomes final, as provided in this Chapter.

2) Fraud; refusal to collect; evasion. If any lodging tax collector shall fail or refuse to collect said tax or to make, within the time provided in this Chapter, any report and remittance of said tax or any portion of the tax required by this Chapter, or makes a fraudulent return or otherwise willfully attempts to evade the provisions of this Chapter, the tax administrator shall proceed in such manner as the tax administrator may deem best to obtain facts and information on which to base an estimate of the tax due.

a) As soon as the tax administrator has determined the tax due that is imposed by this Chapter, from any lodging tax collector who has failed or refused to collect the same and to report and remit said tax, the tax administrator shall proceed to determine and assess against such lodging tax collector the tax, interest, and penalties provided in this Chapter. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return.

b) Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund, if the petition is filed before the determination becomes final, as provided in this Chapter.

3) Lodging tax collector delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, the tax administrator shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination.

a) The amount so determined, as provided in this Chapter, shall be immediately due and payable; and the lodging tax collector shall immediately pay the amount to the tax administrator after service of notice thereof. Provided, however, the lodging tax collector

may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within 10 days from the date of service of notice by the tax administrator.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 10, 1973)

Section 8.04.100 – Redeterminations.

1) Any person against whom a determination is made under Section 8.04.090, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.04.090 of this Chapter. If a petition for redetermination and refund is not filed within the time required in Section 8.04.090, the determination becomes final at the expiration of the allowable time.

2) If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination; and, if the person has so requested in the petition, shall grant the person an oral hearing and shall give the petitioner 10 days' notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

3) The tax administrator may decrease or increase the amount of the determination as a result of the hearing; and, if an increase is determined, such increase shall be payable immediately after the hearing.

4) The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final 10 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the City Manager within the 10 days after service of such notice.

5) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the lodging tax collector has first complied with the payment provisions of this Chapter.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 11, 1973)

Section 8.04.110 – Security for collection of tax.

1) The tax administrator, whenever deemed necessary to ensure compliance herewith, may require any lodging tax collector subject thereto to deposit with the tax administrator such security in the form of cash, bond, or other security as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator, but shall not be greater than twice the lodging tax collector's estimated average quarterly liability for the period for which a return is filed, determined in such manner as the tax administrator deems proper, or \$5,000, whichever amount is the lesser. The amount of the security may be increased or decreased by the tax administrator, subject to the limitations provided in this Chapter.

2) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, or at any time within three years after any determination becomes final, the tax administrator may bring an action in the courts of this State, or any other State, or of

the United States, in the name of the City, to collect the amount delinquent together with penalties and interest.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 12, 1973)

Section 8.04.130 – Refunds.

1) Lodging tax collector's refunds. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator, it may be refunded; provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the lodging tax collector from whom it was collected, or by whom paid; and the balance may be refunded to such lodging tax collector, the tax collector's administrators, executors, or assignees.

2) Occupant refunds. Whenever the tax required by this Chapter has been collected by the lodging tax collector and deposited by the lodging tax collector with the tax administrator, and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the occupant; provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 14, 1973)

Section 8.04.140 – Administration.

1) Records required from lodging tax collectors, etc.; form. Every lodging tax collector shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the lodging tax collector for a period of three years and six months after they come into being.

2) Examination of records; investigations. The tax administrator or any person authorized in writing by the tax administrator may examine, during normal business hours, the books, papers, and account records relating to room sales of any lodging tax collector after notification to the lodging tax collector liable for the tax, and may investigate the business of the lodging tax collector in order to verify the accuracy of any return made, or if no return is made by the lodging tax collector, to ascertain and determine the amount required to be paid.

3) Confidential character of information obtained; disclosure unlawful. It shall be unlawful for the tax administrator or any person having an administrative or clerical duty under the provisions of this Chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a lodging tax registration certificate or pay a lodging tax, or any other person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application; or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided, that nothing in this subsection shall be construed to prevent:

- a) The disclosure to, or the examination of, records and equipment by another City official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this Chapter; or collecting taxes imposed under this Chapter.
- b) The disclosure, after the filing of a written request to that effect, to the taxpayer, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure, and that the tax administrator may refuse to make any disclosure referred to in this paragraph when, in the tax administrator's opinion, the public interest would suffer thereby.
- c) The disclosure of the names and addresses of any persons to whom lodging tax registration certificates have been issued.
- d) The disclosure of general statistics regarding taxes collected or business done in the City.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 15, 1973)

Section 8.04.150 – Appeals.

- 1) Any person aggrieved by any decision of the tax administrator may appeal to the City Manager by filing a notice of appeal with the tax administrator within 10 days of the serving or mailing of the notice of a decision given by the tax administrator. The tax administrator shall fix a time and place for hearing such appeal, and shall give the appellant 10 days' written notice of the time and place of hearing.
- 2) The City Manager shall have the power, and it shall be the City Manager's duty:
 - a) To hear and determine appeals of orders or decisions of the tax administrator made upon petitions for redetermination of tax. The City Manager may affirm, modify or reverse such orders or decisions, or dismiss the appeals therefrom, as may be just, and shall prescribe such forms, rules and regulations relating to appeals as the City Manager may deem necessary. In the review of the tax administrator's decision or order the City Manager may take such evidence and make such investigation as deemed necessary. The City Manager shall give notice of the determination in the manner prescribed for service of notice of a tax administrator's decision, and shall file a copy of each such determination with the tax administrator with certification thereon of the date of service thereof. Such determination shall become final 10 days thereafter, and shall thereupon become due and payable, subject to interest and penalties, and enforceable by the tax administrator in like manner as an order or decision of the tax administrator.
 - b) To approve, modify or disapprove all forms, rules and regulations prescribed by the tax administrator in the administration and enforcement hereof; and such forms, rules and regulations shall be subject to and become effective only on such approval.

c) To hear and determine in such manner as shall be just, any protest, which may be made by any person who may be interested, to any form, rule or regulation approved or prescribed by the City Manager.

d) To grant for good cause, applications for extensions of time in excess of one month for making any return or payment of tax, and to prescribe rules therefor.

e) To make such investigations as the City Manager deems advisable regarding the imposition and administration of the lodging tax and report the findings to Council. To act in an advisory capacity to Council on matters pertaining to the lodging tax and enforcement problems, and recommend to Council the adoption, amendment or repeal of legislation pertaining thereto.

(Ord. 2020-17§ 50, 09/21/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 16, 1973)

CHAPTER 8.05 GOING-OUT-OF-BUSINESS SALES

Section 8.05.030 – Application of regulations.

1) Established business requisite. Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least four months prior to the date of the proposed sale shall not be granted a license.

a) Exception for survivors of business people. Upon the death of a person doing business in the City, any heirs, devisees, or legatees of the person doing business shall have the right to apply at any time for a license hereunder.

2) Interval between sales. Any person who has held a sale, as regulated hereunder, at the location stated in the application, within two years last past from the date of such application, shall not be granted a license.

3) Restricted location. Where a person applying for a license hereunder operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

4) Persons exempted. The provisions herein shall not apply to or affect the following persons:

a) Persons acting pursuant to an order or process of a court of competent jurisdiction.

b) Persons acting in accordance with their powers and duties as public officials.

c) Duly licensed auctioneers selling at auction.

d) Persons conducting a sale of the type regulated herein on the effective date hereof, unless such sale is continued for a period more than 30 days from and after such effective

date, in which event, such person, at the lapse of the said 30-day period, shall comply with the provisions herein.

(Ord. 2020-17§ 51, 09/21/2020; Ord. 77-78 § 3, 1977)

**CHAPTER 8.09
PAWNBROKERS AND SECONDHAND DEALERS**

Sections:

- 8.09.040 – Licenses required.**
- 8.09.050 – Application for license.**
- 8.09.090 – Record forms.**

Section 8.09.040 – Licenses required.

- 1) No person shall engage in business as an antique dealer; precious metal, gem or coin dealer; scrap metal dealer; pawnbroker; or secondhand dealer within the City without first obtaining a license therefor and complying with the provisions herein.
- 2) Every dealer shall have and keep conspicuously posted near the entrance to the place of business, or in an equally conspicuous place, a valid license required hereby.
- 3) Only one license issued by the City shall be required for a dealer who conducts business as a dealer in one or more categories of business regulated hereby.

(Ord. 2020-17§ 52, 09/21/2020; Ord. 2020-06, § 1, 2/4/2020; Ord. 91-1 § 4, 1991)

Section 8.09.050 – Application for license.

- 1) An application for a dealer's license shall be filed with the City on forms provided by the City, and such application shall be accompanied by a fee as set forth in Chapter 8.03.
- 2) Such application shall be verified under oath and shall include the following information:
 - a) The full name and any other name used by applicant, date of birth, residence, present and previous occupations of the applicant, and that of all full- or part-time employees;
 - b) A statement whether the applicant is a United States citizen;
 - c) The business name and location of the principal place of business;
 - d) The length of time the applicant has been a resident of Oregon;
 - e) Information regarding any criminal convictions; and
 - f) Such other information as the City Manager shall find reasonably necessary.
- 3) The application shall be forwarded to the Chief of Police for investigation. If it shall appear from the Chief of Police's investigation that a dealer license should not be granted to the applicant or applicants, the Chief of Police shall notify the City Manager to that effect and shall set forth the reasons why, in the Chief of Police's opinion, the applicant or applicants shall be denied a

license. The Chief of Police may interview the applicant or any employee of the applicant prior to recommending a determination to the application.

4) An application may be denied for the following reasons:

- a) The applicant has been convicted of a crime or offense involving theft and related offenses, burglary, criminal trespass, criminal mischief or robbery as those crimes are defined in ORS Chapter 164 or its counterpart in another jurisdiction;
- b) The applicant has engaged in dishonest, fraudulent or illegal practices or conduct in any business or profession;
- c) The applicant failed to supply the required application information or submits false or misleading information;
- d) The applicant has previously violated the provisions contained herein or its counterpart in another jurisdiction; or
- e) The applicant has failed to pay any fee required to be paid hereby.

5) The City Manager, after considering the application, the reports required to be attached thereto, and the results of the police investigation, shall approve or deny the application for a dealer's license. If the application is denied, the applicant may request a hearing, which shall be held in accordance with the provisions of Section 8.09.150, to offer evidence why the application should be reconsidered.

(Ord. 2020-17§ 52, 09/21/2020; Ord. 91-1 § 5, 1991)

Section 8.09.090 – Record forms.

1) All dealers shall, at the time of purchasing any article for which the dealer is regulated hereby from any person who appears with such article at the dealer's place of business, place the description of the article purchased upon a transaction form which shall be provided by the Corvallis Police Department. In lieu of the use of forms supplied by the Corvallis Police Department, the dealer may utilize other transaction forms if such forms have been approved by the Chief of Police. The transaction form provided for herein shall be of such size, shape and color and shall require such information, related to the regulations of this chapter, as the Chief of Police may direct. The description of any article so purchased shall be such description as may be called for by the transaction form and in sufficient detail as to distinguish the article from similar articles in the dealer's possession. The dealer shall fill in all the blank spaces on such form with such data as required by the form including the date, time and type of transaction, the customer last name, first name, middle initial, date of birth, physical descriptors (sex, race, hair color, eye color, height, weight), current address, phone number, type of identification used, identification number, identification issuer, clerk/employees' initials or name and require the person selling any article regulated hereby to sign the transaction form; such form shall be filled out in clearly legible printing in the English language. The information required to be furnished shall be considered confidential and privileged from disclosure to the maximum extent possible under applicable law.

2) The dealer's copy of all such forms shall be retained for a period of not less than one (1) year.

3) Every person regulated by the provisions herein shall mail handwritten transaction forms, postage prepaid by Thursday of each week. Digitally transmitted forms shall be submitted by the end of each business day.

4) Every person regulated by the provisions herein shall mail to the Chief of Police the full name and date of birth of each new employee within one week of hire.

5) The Chief of Police may order that the transaction form information be digitally transmitted to the Chief of Police by the end of each business day in a manner as chosen by the Chief of Police. If the Chief of Police chooses to have the transaction form information digitally transmitted the Chief will provide written notification to all dealers and dealers will have 60 days within which to comply with the new order.

(Ord. 2020-17§ 52, 09/21/2020; Ord. 2020-06 , § 1, 2/4/2020; Ord. 91-1 § 8, 1991)

CHAPTER 8.11 SOCIAL GAMING

Section 8.11.060 – Standards for issuance of license.

The City Manager shall either approve the application and grant the license applied for or deny the application and refuse to grant the license. The license shall not be granted, or it shall be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity or organization have:

1) Supplied any false or misleading information in the application or omitted any requested information from the application;

2) Pleaded no contest to or been convicted of any felony within the last ten (10) years;

3) Had a license in the applicant's name which was revoked or suspended three (3) times by the Oregon Liquor Control Commission, either of which was in the last (5) years;

4) Been convicted and is currently on parole for any crime involving or related to gambling;

5) Had two (2) or more convictions within five (5) years for gambling-related activities; or

6) Violated any provision of this Ordinance.

(Ord. 2020-17§ 53, 09/21/2020; Ord. 2005-05 § 1, 04/04/2005)

CHAPTER 8.12 PEDICAB LICENSE AND REGISTRATION

Section 8.12.260 – Direct route to be traveled; fares not charged when vehicle disabled.

1) Any pedicab operator employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to the specified destination.

2) In the event any vehicle described herein shall, while under employment, become disabled or breaks down without fault of the passenger, the time of stoppage shall be deducted from the charge.

(Ord. 2020-17§ 54, 09/21/2020; Ord. 2009-08 § 3, 05/18/2009)

CHAPTER 8.14
SINGLE-USE PLASTIC CARRYOUT BAGS

Section 8.14.020 – Definitions

1) ASTM Standard. means the current American Society for Testing and Materials (ASTM)'s International D-6400.

2) Barrel Size. a paper carryout bag with approximate dimensions of 12 inches wide × 7 inches deep × 13-18 inches tall or a capacity of 1,100 to 1,600 cubic inches.

3) City. City of Corvallis, Oregon.

4) City Manager. The City Manager for the City of Corvallis or a designated representative of that office.

5) Recyclable Paper Bag. means a paper bag that meets all of the following requirements:

- a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;
- b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.

6) Retail Establishment. means any store, shop, sales outlet, or vendor located within the City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:

- a) For consumption by the public;
- b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
- c) In consumable form for consumption outside the place where prepared.

7) Reusable Bag. means a bag with handles that is either:

- a) Made of cloth or other machine washable material, or
- b) Made of durable plastic that is at least 2.25 mils thick.

8) Single-Use Plastic Carryout Bag. means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:

- a) A reusable bag.
- b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or
- c) Pharmacy prescription bags.

(Ord. 2020-17§ 55, 09/21/2020; Ord. 2013-03 § 1, 05/06/2013; Ord. 2012-13 § 1, 07/02/2012)

**CHAPTER 9.01
BUILDING SAFETY AND CONSTRUCTION STANDARDS**

Sections:

9.01.080.060 – Authority to abate hazardous equipment.

9.01.080.090 – Occupancy violations.

9.01.100.090 – Inspections.

Section 9.01.080.060 – Authority to abate hazardous equipment.

1) When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

2) When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as deemed necessary to prevent, restrain, correct or abate the violation.

(Ord. 2020-17§ 56, 09/21/2020; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.090 – Occupancy violations.

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in the notice and make the structure, or portion thereof, comply with the requirements of this code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of Section 9.01.210.

(Ord. 2020-17§ 56, 09/21/2020; Ord. 2010-01 § 1, 02/01/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.090 – Inspections.

1) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide

all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity prior to permit issuance or until receiving specific written authorization to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or the permit holder's agent.

2) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has made available on site, a copy of the permit authorizing such work and supporting documents such as City approved construction documents. This permit and supporting documents shall be maintained available by the permit holder until final approval has been granted by the building official.

(Ord. 2020-17§ 56, 09/21/2020; Ord. 2010-01 § 1, 02/01/2010; Ord. 2004-22 § 14, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

CHAPTER 9.02 CORVALLIS LIVABILITY CODE

Sections:

9.02.080 – Definitions.

9.02.130.03 – Appeal procedure.

Section 9.02.080 – Definitions.

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

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

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

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

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

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

3) Accessible Means of Egress. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.

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

5) Agent. A person authorized by another to act in the other person's behalf.

- 6) Approved. Meets the standards set forth by this chapter, or is approved by the Director.
- 7) Attic. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
- 8) Attractive Nuisance. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
- 9) Basement. That portion of a building or structure which is partly or completely below grade.
- 10) Bathroom. A room containing plumbing fixtures including a bathtub or shower.
- 11) Bedroom. Any room or space used or intended to be used for sleeping purposes.
- 12) Boarded. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, consistent with administrative operating guidelines, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.
- 13) Building. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.
- 14) Building Code. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.
- 15) Building Official. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.
- 16) Bulk Solid Waste. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.
- 17) Deterioration. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.
- 18) Derelict Structure. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:
 - a) Is unoccupied and unsecured;
 - b) Is partially constructed;
 - c) Is an abandoned structure or attractive nuisance;
 - d) Is in condition of deterioration;

- e) Has an infestation of pests;
- f) Has doors or windows boarded over; or
- g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

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

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

21) Dwelling. Any structure containing one or more dwelling units.

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

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

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

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

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

27) Habitable. Suitable for human habitation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g) Any bulk solid waste; and

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

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

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

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

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

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

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

44) Must. Mandatory.

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

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

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

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

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

- 50) Person. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.
- 51) Pests. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.
- 52) Premises. A lot or parcel of land, including any buildings or structures thereon.
- 53) Rank Vegetation. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.
- 54) Receptacle. With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.
- 55) Recycling. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.
- 56) Remediation. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.
- 57) Repair. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.
- 58) Residential Property. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.
- 59) Rubbish. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.
- 60) Shall. Mandatory.
- 61) Solid waste. This term shall have the same meaning as provided under CMC 4.01.010.
- 62) Structure. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.
- 63) Temporary. Unless otherwise specified, a period up to 6 months in any 12 month period.
- 64) Unfit for Human Habitation. A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) Unoccupied. Not legally occupied.

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

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

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

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

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

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

(Ord. 2020-17§ 57, 09/21/2020; Ord. No. 2020-18 , § 7(Exh. B), 07/15/2020; Ord. No. 2015-20 , § 2, 9/15/2016; Ord. No. 2016-07 , § 1, 4/18/2016)

Section 9.02.130.03 – Appeal procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.02(1-4), and that the person filing the request for an appeal has standing.

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

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

a) The appeal shall be conducted on the record.

b) Formal rules of evidence are not required.

c) The Hearings Office shall have the authority to hear appeals of orders, decisions or determinations made under authority of this chapter to determine whether the substance of the order, decision or determination was arbitrary and capricious.

d) The Hearings Officer shall not be empowered to waive requirements of this chapter.

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

(Ord. 2020-17§ 57, 09/21/2020; Ord. No. 2015-20 , § 2, 9/15/2016; Ord. No. 2016-07 , § 1, 4/18/2016)

**CHAPTER 9.03
EROSION PREVENTION AND SEDIMENT CONTROL**

Sections:

9.03.060 – Definitions.

9.03.100 – Erosion prevention and sediment control plan requirements.

9.03.140 – Nuisance abatement.

Section 9.03.060 – Definitions.

For the purpose of this chapter, the following definitions shall apply:

- 1) Approval or Approved. A determination by the City Manager or a designee of that office that the provisions of these Standards have been met.
- 2) Best Management Practices (BMPs). a physical, chemical, structural or managerial practice that prevents, reduces, or treats contamination of water or which prevents or reduces soil erosion.
- 3) City Manager. the City Manager or other designated authority charged with the administration and enforcement of these Standards, or the City Manager's duly authorized representative.
- 4) Erosion. the wearing away of the earth's surface due to the action of gravity, wind, water or other mechanical forces.
- 5) Ground Disturbing Activity. any activity that exposes soil.
- 6) Pollutants. substances that contaminate the soil or water originating on a construction site. Pollutants commonly associated with construction sites include sediment, solid and sanitary wastes, fertilizers, pesticides, oil and grease, concrete truck washout, sheet rock taping compound, glues, epoxies, paints, construction chemicals and construction debris.
- 7) Responsible Party. the property owner or person authorized to act on the owner's behalf; or any person allowing, causing or contributing to a violation of the Code.
- 8) Sediment. Mineral or organic matter generated as a result of erosion.
- 9) Visible and Measurable Erosion and Sediment Release.
 - a) Sloughing, mud flows, gullies, sediment laden water, or other visual evidence that erosion has occurred or is likely to occur.
 - b) The presence of deposits or tracking of sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

c) In streams or drainage systems, an increase in total suspended solids and/or turbidity relative to a control point immediately upstream of the discharge point of the sediment generating activity.

d) Evidence of off site airborne sediment clearly visible to the eye.

(Ord. 2020-17§ 58, 09/21/2020; Ord. 2004-17 § 1, 09/20/2004)

Section 9.03.100 – Erosion prevention and sediment control plan requirements.

The applicant shall submit an Erosion Prevention & Sediment Control Plan (EPSCP) for projects requiring an EPSC permit prior to commencing any ground disturbing activity. All plans shall comply with the minimum standards set forth in the City of Corvallis Erosion Prevention & Sediment Control Manual.

1) Erosion Prevention and Sediment Control Plans.

a) Erosion prevention and sediment control plans shall be prepared in conformance with and shall demonstrate compliance with these Standards and the City of Corvallis Erosion Prevention & Sediment Control Manual in effect at the time of application.

b) The EPSCP shall be reviewed and approved by the City Manager prior to commencing any ground disturbing activity including installation of erosion and sediment control BMPs.

c) The EPSCP shall be implemented only after approval and prior to commencing any ground disturbing activity.

d) Subsequent development permits (Grading, Public Improvement, or Building) will not be issued prior to implementation of the EPSCP unless authorized by the City Manager or a designee of that office.

2) Approval of Erosion Prevention and Sediment Control Plan.

a) The City Manager or a designee of that office shall approve the EPSCP if it demonstrates compliance with these Standards and the adopted City of Corvallis Erosion Prevention & Sediment Control Manual. An EPSC permit shall be issued following approval of the plan and verification from the applicant that all other rules and laws governing this aspect of development have been addressed and are in compliance.

b) The responsible party shall be accountable for obtaining re-authorization for implementing any EPSCP modifications needed due to conflicts, omissions, changed conditions, damage or other factor jeopardizing compliance with these Standards.

c) In cases where erosion is occurring, the responsible party must immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. The responsible party will be required to provide new plans, or revisions to existing plans, for review that provide for long term erosion and sediment control. Upon approval of the plans, the new measures described must be implemented in a timely manner.

(Ord. 2020-17§ 58, 09/21/2020; Ord. 2004-17 § 1, 09/20/2004)

Section 9.03.140 – Nuisance abatement.

1) Summary Abatement Authorized. The City Manager may determine that the failure or non-existence of erosion, sediment and pollutant control measures as required by this Code constitute a nuisance presenting an immediate threat of injury to the public health, the environment, or public or private property. Such nuisances shall be subject to the requirements of this Section. In cases where the City Manager determines it is necessary to take immediate action in order to meet the purposes of this Code, summary abatement of such nuisance is authorized.

2) Notification Following Summary Abatement. When summary abatement is authorized by this Code, the decision regarding whether or not to use summary abatement shall be at the City Manager's discretion. In case of summary abatement, notice to the responsible party prior to abatement is not required. However, following summary abatement, the City Manager shall post upon the affected site the abatement notice describing the action taken to abate the nuisance and shall cause a notice to be mailed to the owner at the owner's address as recorded in the county assessment and taxation records for the property.

3) Financial Responsibility.

a) Whenever a nuisance is abated under this section, the City Manager shall keep an accurate account of all expenses incurred.

b) The City Manager shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or their designee shall mail a notice to the property owner, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing. In the event that amount due set forth in the notice is not paid in full within 30 days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

(Ord. 2020-17§ 58, 09/21/2020; Ord. 2004-17 § 1, 09/20/2004)