

## ORDINANCE NO. 874

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE ("SMC"), INCLUDING REFERENCES TO THE OREGON REVISED STATUTES ("ORS") IN THE SMC THAT WERE AMENDED, ADDED TO, OR REPEALED BY OREGON LAWS, 2001 REGULAR LEGISLATIVE SESSION, 2002 SPECIAL LEGISLATIVE SESSIONS AND 2003 REGULAR LEGISLATIVE SESSION; ADOPTING THOSE ORS SECTIONS AS AMENDED OR ADDED; REPEALING THOSE ORS SECTIONS REPEALED; AND, DECLARING AN EMERGENCY.

WHEREAS, sections of the Stayton Municipal Code (SMC) reference Oregon Revised Statutes ("ORS/Ch.") some of which need to be amended to reflect those amendments, additions, and repeals of the Oregon Revised Statutes as provided in Oregon Laws, 2001 Regular Legislative Session, 2002 Special Legislative Sessions and 2003 Regular Legislative Session (Oregon Laws); and,

WHEREAS, in the interest of facilitating consistency between references to the ORS in the SMC, and amendments, additions, and repeals to those ORS references by Oregon Laws, it is the policy and intent of the City of Stayton to adopt the amendments to and repeals of those ORS references, following consideration thereof, as provided in the Oregon Laws; and,

WHEREAS, to accomplish this task in 2004, prior to the commencement of the 2005 Oregon Legislative Session, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is immediately in full force and effect once adopted by the Stayton City Council and signed by the Mayor.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

### **DIVISION 1. GENERAL PROVISIONS**

**Section 1. Short Title.** This ordinance shall be known as the "2001-2003 Oregon Revised Statutes Incorporation Ordinance," and cited herein as "ordinance."

### **DIVISION 2. SPECIFIC AMENDMENTS**

The following SMC sections are amended, including incorporating amended Oregon Revised Statutes.

**Section 1.** All general and non-specific references to Oregon law in the SMC are amended to reflect the state law as it exists on the effective date of this ordinance.

**Section 2. SMC §1.08.310 is amended and restated to read as follows:**

#### **1.08.310 GENERAL PROCEDURES**

Amendments to the Stayton Charter shall be made pursuant to ORS 221.210, "Charter amendments and other municipal measures; initiative and referendum," any other

applicable state law, and the provisions of the Stayton Municipal Code. (Ord. 658, section 1[part], 1989; prior code section 2.170; Ord. 874, section 2, 2004)

**Section 3. SMC §1.28.880(2) is amended and restated to read as follows:**

1.28.880 INITIATIVE PETITION: FILING

\* \* \*

- (2) The proposed date of such election referenced above shall be on the next available election date, pursuant to ORS 221.230, held not sooner than 90 days after the measure was filed with the City of Stayton. (Ord. 658, section 1 [part], 1989; prior code section 2.187; Ord. 874, section 3, 2004)

**Section 4. SMC §2.20.460 is amended and restated to read as follows:**

2.20.460 TRIAL JURY: ELIGIBILITY

- (1) Any person acting as a municipal court juror must have the qualifications set out in ORS 10.030, "Eligibility for jury service; discrimination prohibited," and must be a registered voter, residing within the limits of the City of Stayton.
- (2) No mayor, council member, city officer, or city employee shall be allowed to serve as a juror during their term of office or employment. (Ord. 658, section 1[part], 1989; prior code section 2.782; Ord. 874, section 4, 2004)

**Section 5. SMC §2.28.740(3) is amended and restated to read as follows:**

2.28.740 MEETINGS

\* \* \*

- (3) All meetings of the Park and Recreation Board shall be open to the public and subject to Oregon Open Meetings Law (ORS 192.610 to 192.690). (Ord. 592, section 4, 1983; Ord. 827, April 16, 2001; Ord. 874, section 5, 2004)

**Section 6. SMC §2.34.870 is amended and restated to read as follows:**

2.34.870 TRANSPORTATION COMMITTEE: MEETINGS

The chairman of the Stayton Transportation Committee shall convene meetings of the committee on an as-needed basis. All members of the committee shall be notified of a scheduled meeting at least seven (7) days prior to the date the meeting will take place. All meetings of the Stayton Transportation Committee shall be open to the public and shall comply with Oregon Open Meetings Law (ORS 192.610 to 192.690). All parliamentary questions which are not otherwise provided by rules adopted by the city shall be governed by *Robert's Rules of Order*. (Ord. 725, section 3, December 1993; Ord. 874, section 6, 2004)

**Section 7. SMC §2.36.930(5) is amended and restated to read as follows:**

2.36.930 RULES AND REGULATIONS

\* \* \*

- (5) An informed public, aware of the deliberations and decisions of the City of Stayton, is beneficial to the community; therefore, the planning commission shall comply with Oregon Open Meetings Law (ORS 192.610 to 192.690). All parliamentary questions which arise, not otherwise provided by rules adopted by the city, shall be governed by *Robert's Rules of Order*. (Ord. 874, section 7, 2004)

\* \* \*

**Section 8. SMC §2.36.940(2) is amended and restated to read as follows:**

2.36.940 POWERS AND DUTIES

\* \* \*

- (2) The commission shall also have all the powers which are now or which hereafter may be granted to it by ordinance of this city or by local or state law. (Ord. 874, section 8, 2004)

\* \* \*

**Section 9. SMC §2.36.950 is amended and restated to read as follows:**

2.36.950 TRAINING AND EDUCATION

- (1) It shall be the responsibility of the city council to make sure that all new commission members receive education on the applicable planning laws of the State of Oregon, County of Marion, and City of Stayton within thirty (30) days of their appointment. (Ord. 874, section 9, 2004)
- (2) Planning commission members shall be provided all applicable planning and zoning laws of the city. (Ord. 642, section 2[part], 1988; prior code section 2.460; Ord. 658, section 1[part], 1989; Ord. 874, section 9, 2004)

**Section 10. SMC §2.44.1020 is amended as follows:**

2.44.1020 DEFINITIONS

**EMERGENCY:** Any manmade or natural event of circumstance causing or threatening the life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material (as defined in ORS 466.605(7)), contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage, or war. (Ord. 874, section 10, 2004)

\* \* \*

**EMERGENCY MANAGEMENT AGENCY:** An organization created and authorized under ORS 401.015 to 401.105, 401.260 to 401.325, and 401.355 to 401.580, by the state, county, or city, to provide for and ensure the conduct and coordination of functions for comprehensive emergency program management. (Ord. 874, section 10, 2004)

\* \* \*

**EMERGENCY SERVICES:** Those activities provided by state and local government agencies with emergency operational responsibilities to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency. These activities include, without limitation, coordination, preplanning, training, interagency liaison, fire fighting, oil and hazardous material spill or release clean-up (as defined in ORS 466.605(2)), law enforcement, medical health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures known as "civil defense." (Ord. 708, July 1992; Ord. 874, section 10, 2004)

**Section 11. SMC §2.44.1050(3) is amended and restated to read as follows:**

2.44.1050 AUTHORITY OF THE EMERGENCY MANAGEMENT DIRECTOR IN THE EVENT OF AN EMERGENCY.

\* \* \*

- (3) To require the emergency services of any city officer or employee, and, after the declaration of an emergency pursuant to ORS 401.015 to ORS 401.580, to command the aid of as many citizens as are necessary; provided, however, that such persons shall be entitled to all privileges, benefits, and immunities provided by state law for registered emergency service volunteers. (See ORS 401.355 to ORS 401.465) (Ord. 708, July 1992; Ord. 874, section 11, 2004)

**Section 12. SMC §2.44.1070(1) is amended and restated to read as follows:**

2.44.1070 DECLARATION OF EMERGENCY

- (1) The Stayton City Council may declare a state of emergency and request emergency services and assistance from local, state, and federal agencies. A declaration of emergency shall be communicated to Marion County pursuant to ORS 401.055(2). (Ord. 874, section 12, 2004)

\* \* \*

**Section 13. SMC §2.48.1110 is amended and restated to read as follows:**

2.48.1110 ESTABLISHED

The Stayton Public Library is hereby established. (Ord. 874, section 13, 2004)

**Section 14. SMC §2.48.1130(2) and (3) are amended and restated to read as follows:**

2.48.1130 AUTHORITY OF COUNCIL

\* \* \*

- (2) Contract with one or more units of local government to jointly establish a public library service or share in the use of facilities, under such terms and conditions as may be agreed upon. (Ord. 874, section 14, 2004)
- (3) Enter into an interstate library agreement pursuant to the Interstate Library Compact as adopted by Oregon law. (See ORS 357.330 to 357.370) (Ord. 874, section 14, 2004)

\* \* \*

**Section 15. SMC §2.48.1140 is amended and restated to read as follows:**

2.48.1140 ABOLISHING OR WITHDRAWING: PROCEDURE

Once the council has established a public library under the laws of Oregon, it shall not abolish or withdraw support from such library without first holding at least two (2) public hearings on the matter at least ninety (90) days apart. The council shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing. (See ORS 357.621) (Prior code section 2.440; Ord. 874, section 15, 2004)

**Section 16. SMC §2.48.1150(3) is amended and restated to read as follows:**

2.48.1150 METHODS OF FINANCING

\* \* \*

- (3) The council may levy and cause to be collected a special tax upon the taxable property in the city or contract bonded indebtedness to provide a public library building fund to be used exclusively to purchase real property for public library purposes and for the erection and equipping of public library buildings, including branch library buildings. (Prior code section 2.435; Ord. 874, section 16, 2004)

**Section 17. SMC §2.48.1220(2) is amended and restated to read as follows:**

2.48.1220 LIBRARY DIRECTOR: DUTIES AND RESPONSIBILITIES

\* \* \*

- (2) Serves as secretary to the Library Board and ensures that the Library Board complies with all requirements of Oregon Open Meetings Law and Oregon Public Records Law. (See *Oregon Attorney General's Public Records and Meetings Manual.*) (Ord. 874, section 17, 2004)

\* \* \*

**Section 18. SMC §2.64.1660 is amended and restated to read as follows:**

2.64.1660 SALE OF CITY-OWNED SURPLUS PROPERTY

City-owned personal property, which is declared to be unnecessary and surplus to the operation of the city by the city council, may be disposed of by the sale procedure set forth in sections 2.64.1620 and 2.64.1630 of this chapter. (Ord. 874, section 18, 2004)

**Section 19. SMC §3.04.020(1) is amended and restated to read as follows:**

3.04.020 DEFINITIONS

- (1) **BOARD:** Means the local contract review board as established in section 3.04.010. (Ord. 874, section 19, 2004)

**Section 20. SMC §3.04.090(4) is amended as follows:**

3.04.090 BIDDER DISQUALIFICATION: APPEAL

\* \* \*

- (4) The board shall conduct the hearing pursuant to Oregon law, decide the appeal within ten (10) days after receiving the notification, and set forth in writing the reasons for its decision. (Ord. 658, section 1[part], 1989; prior code section 2.370; Ord. 874, section 20, 2004)

**Section 21. SMC §4.08.020(16)(c) is amended and restated to read as follows:**

4.08.020 FRANCHISE AND EXEMPTIONS

\* \* \*

- (16)(c) The collection, transportation or redemption of returnable beverage containers pursuant to Oregon law, including provisions commonly known as the "Bottle Bill." (See ORS 459A.700 – 459A.740) (Ord. 874, section 21, 2004)

\* \* \*

**Section 22. SMC §6.04.010 is amended and restated to read as follows:**

6.04.010 APPLICABLE LAW

The statutes and regulations of the State of Oregon and Marion County, Oregon, shall apply. Accordingly, the City of Stayton shall have the right to prosecute. (Ord. 697, December 1991; Ord. 874, section 22, 2004)

**Section 23. SMC §8.12.660(1) is amended as follows:**

8.12.660 EXCLUSION OF PERSONS FROM PARKS AND PUBLIC FACILITIES

- (1) If there is probable cause to believe that a person has violated the Stayton Municipal Code, chapters 8.04, 8.12, 9.04, 9.08, 9.20, 9.24, 9.28, 9.36, 10.04, or 10.12, or any related state law, while in a public park or park facility, that person may be excluded from any or all parks or public facilities for a period of not more than thirty (30) days in accordance with the following procedure (Ord. 874, section 23, 2004):

\* \* \*

**Section 24. SMC §8.16.780(2) is amended and restated to read as follows:**

8.16.780 ABATEMENT AS ADDITIONAL REMEDY AND OTHER REMEDIES

\* \* \*

- (2) Other remedies: In addition to any remedies provided in this chapter, the city council may institute any available remedial proceedings (e.g., injunction, mandamus, abatement, or any other appropriate proceedings) to prevent, temporarily or permanently enjoin, abate, or remove any activity or use of real or personal property which it has reasonable cause to believe does or will violate this chapter. (Ord. 711, November 1992; Ord. 874, section 24, 2004)

**Section 25. SMC §8.20.020 is repealed and restated to read as follows:**

8.20.020 Repealed. (Ord. 874, section 25, 2004)

**Section 26. SMC §8.20.030(3) is amended as follows:**

8.20.030 DEFINITIONS

\* \* \*

- (3) "... the below listed prohibited acts or behaviors (as defined in Oregon law or the SMC) occur ..."

A. Criminal Homicide (or Attempt)	ORS 163.005
B. Rape in the First Degree	ORS 163.375
C. Menacing	ORS 163.190
D. Intimidation	ORS 166.155 – 166.165
E. Harassment	ORS 166.065
F. Disorderly Conduct	ORS 166.025

G. Discharge of Weapons ORS 166.630 et seq. (See ORS 166.172 re. city regulation.)

\* \* \*

J. Minor in Possession of Alcohol ORS 471.430

K. Assault ORS 163.160 – 163.185

L. Sexual Abuse ORS 163.415 – 163.427

M. Public Indecency ORS 163.465

\* \* \*

O. Criminal Mischief ORS 164.345 – 163.365

P. Criminal Mistreatment ORS 163.200 – 163.206

Q. Criminal Trespass ORS 164.243 – 164.255

R. Unlawful Use of a Weapon ORS 166.220

**Section 27. SMC §9.04.010(1) is amended and restated to read as follows:**

9.04.010 STATE STATUTES ADOPTED

- (1) The statutes and regulations of the State of Oregon and Marion County, Oregon, shall apply. Accordingly, the City of Stayton shall have the right to prosecute. (Ord. 874, section 27, 2004)

**Section 28. SMC §9.24.510(1)(c) is amended and restated to read as follows:**

9.24.510 MINORS NIGHTTIME CURFEW

\* \* \*

- (1)(c) The minor is lawfully emancipated pursuant to Oregon law (ORS 419B.550 – 419B.558). (Ord. 874, section 28, 2004)

\* \* \*

**Section 29. SMC §9.24.560 is amended and restated to read as follows:**

9.24.560 PENALTY – VIOLATION BY A MINOR

Any minor who violates the provisions of this chapter may be taken into custody and may be subject to any proceedings available at law. (Ord. 874, section 29, 2004)



**Section 30. SMC §10.04.020 is amended as follows:**

10.04.020 DEFINITIONS

In addition to those definitions contained in the Oregon Vehicle Code (ORS 801.100 to 801.610) and except where the context clearly indicates a different meaning, the following words or phrases mean (Ord. 874, section 30, 2004):

\* \* \*

**Section 31. SMC §10.04.020(13) is amended and restated to read as follows:**

10.04.020 DEFINITIONS

\* \* \*

- (13) **STREET:** Alley, highway, roadway, or throughway, as defined in ORS 801.110, 801.305, 801.450, and 801.524, including the entire width of the right-of-way. (Ord. 874, section 31, 2004)

\* \* \*

**Section 32. SMC §10.04.030(1) is amended and restated to read as follows:**

10.04.030 OREGON VEHICLE CODE ADOPTED: APPLICABILITY

- (1) The statutes and regulations of the State of Oregon and Marion County, Oregon, shall apply. Accordingly, the City of Stayton shall have the right to prosecute. (Ord. 874, section 32, 2004)

\* \* \*

**Section 33. SMC §10.08.120(1) is amended and restated to read as follows:**

10.08.120 ADMINISTRATION: POLICE CHIEF AUTHORITY

\* \* \*

- (1) Implement ordinances, resolutions, and motions of the council and his own orders by installing, maintaining, removing, and altering traffic control devices. Installation shall be based on standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements (2003 edition). (Ord. 874, section 33, 2004)

\* \* \*

**Section 34. SMC §10.08.150(3) is added to read as follows:**

10.08.150 AUTHORITY OF POLICE AND FIRE OFFICERS

\* \* \*

- (3) In the event a police officer initiates a traffic stop within the Stayton city limits that continues outside the Stayton city limits, the police officer shall, if necessary, dispose of

the vehicle as if the vehicle were located within the Stayton city limits. (Ord. 874, section 34, 2004)

**Section 35. SMC §10.12.210(3) is amended and restated to read as follows:**

10.12.210 APPLICABILITY OF PROVISIONS

\* \* \*

- (3) A vehicle of a disabled person in compliance with ORS 801.235 and ORS 811.602 to 811.637. (Ord. 667, section 1[part], 1989; Ord. 874, section 35, 2004)

**Section 36. SMC §10.12.250 is amended and restated to read as follows:**

10.12.250 PARKING CITATION: ISSUANCE

- (1) In the event there is reasonable cause to believe that a vehicle is parked in violation of any of the provisions of Sections 10.12.210 through 10.12.370, or applicable state law, a citation (an unsworn written notice) in conformance with ORS 221.333 may be issued and the original thereof filed with the parking citation clerk, City of Stayton, who shall retain the citation as ex officio clerk of and subject to the direction of the municipal court. (Ord. 874, section 36, 2004)
- (2) The notice (which may be a copy of the citation issued) provided for above shall either be delivered to the defendant or placed in a conspicuous place on the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other respects the procedure otherwise provided by law in such cases shall be followed. The issuing officer need not have observed the act of parking, but need only have observed that the vehicle appeared to be parked in violation of Stayton Municipal Code or Oregon law. (Ord. 874, section 36, 2004)

**Section 37. SMC §10.12.350 is amended and restated to read as follows:**

10.12.350 UNATTENDED VEHICLE: AUTHORIZED KEY REMOVAL

The conduct described in Oregon Revised Statutes 811.585, "Failure to Secure Motor Vehicle," is an offense against the city, and applies on any premises open to the public. (Ord. 667, section 1[part], 1989; Ord. 874, section 37, 2004)

**Section 38. SMC §10.16.400(1), (3), (4), and (7) are amended and restated to read as follows:**

10.16.400 IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS

- (1) In addition to the provisions herein, disposition of vehicles impounded, towed and stored shall be in accordance with Oregon law. (Ord. 874, section 38, 2004)

\* \* \*

- (3) A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release (See ORS 809.720(3)) or the vehicle is ordered released by a hearings officer (See ORS 809.716). This subsection applies to the following offenses:
- (a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.
  - (b) Driving while under the influence of intoxicants in violation of ORS 813.010.
  - (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.
  - (d) Driving uninsured in violation of ORS 806.010. (See ORS 809.720) (Ord. 806 Nov. 1999; Ord. 812, April 2000; Ord. 839, March 2002; Ord. 870, September 20, 2004; Ord. 874, section 38, 2004)
- (4) Abandoned (ORS 819.100) or hazardous (ORS 819.120) vehicles removed by the City may be towed and stored at the owner's expense. (Ord. 806 Nov. 1999; Ord. 812, April 2000; Ord. 839, March 2002; Ord. 874, section 38, 2004)

\* \* \*

- (7) A vehicle which is stored in violation of the provisions of this code relating to storage of motor vehicles on streets is subject to removal and sale in accordance with provisions of state law on impoundment and disposition of abandoned vehicles – ORS 819.100 to 819.260. (Ord. 839, March 2002; Ord. 874, section 38, 2004)

\* \* \*

**Section 39. SMC §10.16.400(9) is added to read as follows:**

10.16.400 IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS

\* \* \*

- (9) In the event the Stayton Police impound a vehicle from outside the Stayton city limits, such impoundment shall be in accordance with Oregon law and the provisions of the Stayton Municipal Code, and the charges assessed shall be pursuant to the Stayton Municipal Code. (Ord. 874, section 39, 2004)

**Section 40. SMC §10.16.410(1) is amended and restated to read as follows:**

10.16.410 IMPOUNDMENT AND STORAGE BY PRIVATE TOWING FIRM

- (1) In the enforcement and execution of the provisions of Section 10.16.400, the city may contract the services of one or more competent towing service firms for the removal and storage of motor vehicles taken into custody of the city for any reason. The council shall

by ordinance establish a schedule of maximum charges for storage of such motor vehicles, which shall apply to vehicles stored by the city. (Ord. 874, section 40, 2004)

\* \* \*

**Section 41. SMC §10.16.430 is amended and restated to read as follows:**

10.16.430 REASONABLE STORAGE CHARGE

The maximum charge per day for storage of a motor vehicle towed and stored by the city is \$15.00. (Ord. 874, section 41, 2004)

**Section 42. SMC §10.16.490 is amended and restated to read as follows:**

10.16.490 TO BE HELD AT EXPENSE OF OWNER

Except as provided in Section 10.16.440(4), unclaimed motor vehicles which come into the custody, actual or constructive, of the city for any reason shall be held at the expense of the owner and any costs incurred by the city in finding, transportation, giving of notices, storage, care, and custody of such property shall be paid by the owner or other person lawfully entitled to possession thereof before such property may be released. (Ord. 874, section 42, 2004)

**Section 43. SMC §12.04.092(1)(c) is amended and restated to read as follows:**

12.04.092 RIGHT-OF-WAY PERMITS: PENALTIES FOR EXCAVATION

\* \* \*

(1)(c) Potholing smaller than four square yards shall be allowed outside the travel lanes without penalty. Contractors must comply with ORS 757.542 through 757.562. (Ord. 746, section 5, June 1995; Ord. 874, section 43, 2004)

**Section 44. SMC §13.12.205(3) is amended and restated to read as follows:**

13.12.205 DEFINITIONS

\* \* \*

(3) **PUBLIC IMPROVEMENT CHARGE:** A fee for costs associated with capital improvements to be constructed after July 3, 1991. "Public improvement charge" shall have the same meaning as the term "improvement fee" as defined in ORS 223.299(2). (Ord. 874, section 44, 2004)

\* \* \*

**Section 45. SMC §13.20.650 is amended and restated to read as follows:**

13.20.650 FEES

Fees for inspections by the director of public works and for signs posted in accordance

with Stayton Municipal Code may be set by resolution. Fees for changing water service status shall be established by resolution. (Ord. 666, section 5, 1990; Ord.874, section 45, 2004)

**Section 46. SMC §13.20.680 is amended and restated to read as follows:**

13.20.680 PENALTIES

Each violation of the provisions of this chapter shall be punishable by a fine not to exceed \$500.00. (Ord. 666, section 8, 1990; Ord. 874, section 46, 2004)

**Section 47. SMC §15.10.080 is amended as follows:**

15.10.080 DEFINITIONS

\* \* \*

**BUILDING CODE** includes all current building codes enacted or adopted by the State of Oregon, including the Oregon Structural Specialty Code, the Oregon Mechanical Specialty Code, the Oregon Electrical Specialty Code, the Oregon Plumbing Specialty Code, and the Oregon One & Two-Family Dwelling Specialty Code. (Ord. 874, section 47, 2004)

\* \* \*

**Section 48. SMC §15.10.090(7) and (9) are amended and restated to read as follows:**

15.10.090 PERMIT REQUIREMENTS

\* \* \*

(7) Liquefaction Study. The Director may require a GEOTECHNICAL investigation when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

- a. Shallow ground water, 50 feet or less.
- b. Unconsolidated sandy alluvium.
- c. Seismic Zones 3 and 4. (Ord. 874, section 48, 2004)

\* \* \*

(9) Modifications. The Director may require that excavation and grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

- a. The Director may require professional inspection and testing by the soils engineer. When the Director has cause to believe that geologic factors may be involved, the

grading will be required to conform to engineering grading. (Ord. 874, section 48, 2004)

**Section 49. Emergency Clause.** Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 6<sup>th</sup> day of December, 2004.

Signed: December 8, 2004.

CITY OF STAYTON

By: Gerry Aboud  
Gerry Aboud, Mayor

Signed: December 9, 2004.

ATTEST: Chris Childs  
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney