

ORDINANCE NO. 765

AN ORDINANCE RELATING TO THE OREGON REVISED STATUTES REFERENCED IN THE CITY CODE, CITY OF STAYTON; AMENDING ALL CODE SECTIONS REFERENCING OREGON REVISED STATUTES THAT WERE AMENDED OR REPEALED BY OREGON LAWS, 1995; ADOPTING THOSE OREGON REVISED STATUTES AS AMENDED, AND DISREGARDING THOSE OREGON REVISED STATUTES REPEALED BY OREGON LAWS, 1995.

WHEREAS, the Stayton Municipal Code (SMC), in numerous places throughout the document, invokes the mandates of the Oregon Revised Statutes (ORS); and

WHEREAS, the state legislature of the State of Oregon has found that ORS citations in municipal codes shall remain in effect unless and until the municipal code has been amended to conform with the legislature's most current dispensation of the statute; and

WHEREAS, it is the desire of the Stayton City Council that the Stayton Municipal Code, in all instances, conform with the 1995 legislative changes to the Oregon Revised Statutes;

NOW, THEREFORE, the Stayton City Council hereby ordains as follows:

SECTION 1.: AUTHORITY

This ordinance is adopted under the authority of and pursuant to Oregon laws, and the authority of the city under the charter of the City of Stayton.

SECTION 2.: INCORPORATION TO EXISTING ORDINANCES

All ordinances and sections of the Stayton Municipal Code referencing Oregon Revised Statutes ("ORS/Ch.") are hereby amended to reflect those amendments and repeals of the Oregon Revised Statutes as provided in Oregon Laws, 1995.

SECTION 3: GENERAL PROVISIONS

- A. **Short Title.** This ordinance shall be known as the "Oregon Revised Statutes Incorporation Ordinance" and cited herein as "ordinance."

- B. **Purposes, Policy, and Scope.** In the interest of facilitating consistency between references to the Oregon Revised Statutes in the Stayton City Code, and amendments and repeals to the Oregon Revised Statutes by the Oregon Session Laws, 1995, it is the policy and intent of the City of Stayton to adopt all amendments to and repeals of, as provided in the Oregon Laws, 1995, of the Oregon Revised Statutes provisions referenced in the Stayton City Code.

SECTION 4: SPECIFIC AMENDMENTS

- A. **Adoption of Amended Oregon Revised Statute Provisions.** The following Oregon Revised Statutes are adopted as amended, and apply to any and all sections of the Stayton City Code wherein they are referenced.

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
TITLE 2. ADMINISTRATION AND PERSONNEL			
Chapter 2.34: Transportation Committee			
2.34.870	Meetings		
			<i>Misc. Matters: Records, Reports, and Meetings</i>
		192.630	Open Meetings Laws: Inclusion of federally recognized Oregon Indian Tribes
		.660	Executive Session: Labor negotiations
		.690	Adds Oregon Heal Sciences University Board
Chapter 2.36 Planning Commission			
2.36.940(2) 2.36.950(2)	Powers/Duties, Training/Education		
			<i>Property Rights: Subdivisions and Partitions</i>
		192.010	Lot/Parcel: "Single" Unit
		.040	Development App w/in UGB
		.050	Surveyor
		.060	Legal Description
		.065	Surveyor

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
		.070	Surveyor
		.075	Legal description
		.090	Irrigation/drainage/Water District
		.120	Del. need to file
		.140	Plat Declarations
		.177	Applications
<i>Cities: Planning and Zoning Hearings and Review</i>			
		227.160	Increase cost of appeal from \$100 to \$250
		.173	Adds "expedited land division" to discretionary approval or denial
		.175	Increases cost of appeal from maximum of \$100 to \$250
		.178	Refund of application fees
Chapter 2.44: Emergency Management Plan			
2.44.1050	Authority of Emerg. Mgmt. Director		
<i>Emergency Services/Telephones: Search and Rescue</i>			
		401.337	Addition of Metropolitan Service District and two additional members appointed by the Governor to Seismic Safety Policy Advisory Commission
		.345	Letter adjustment due to above addition
TITLE 8. HEALTH AND SAFETY			
Chapter 8.16: Control of Insect Pests			
8.16.780(2)	Abatement		
<i>County Governing Bodies: County Home Rule</i>			
		203.035	Changes in number or mode of selection of elective county officers require approval by electors at a biennial election or primary election
		.075	Renumbering

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
		.077	Adds provision for municipalities and counties to develop a policy to address homeless people on public property with removal in a humane manner
		.085	No annual report of emergency elections
		.090	
		.230	Change from regular to biennial primary election
		.710	"
TITLE 9. PUBLIC PEACE AND WELFARE			
Chapter 9.04 Adoption of State Law			
9.04.010	State Statutes Adopted		
			<i>Crimes and Punishments: General Provisions</i>
		161.290	Decrease age of adult criminal culpability from age 14 to 12
		.327	Notice of an appeal within 90 days for defendant ordered to Psychiatric Security Review Board
		.328	Relaxation of standard from preponderance to probable cause for commitment proceedings
		.620	Remove age 17 requirement for sentencing
		.635	Adds misdemeanor maximum of \$500 for violation of wildlife laws
		.675	Adds more stringent language for fine payments by defendants
		.685	Adds ability of court clerk to report nonpayment or default to consumer reporting agency and requires the supreme court justice to adopt rules for reporting defaults

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
			<i>Crimes and Punishment: General Provisions</i>
		163.105	Language to ensure that Measure 11 supersedes this section and increase from 20 to 25 years before required parole hearing
		.115	Expands murder to include death by neglect or maltreatment; adds affirmative defense of spiritual healing; adds definition for assault, neglect, or maltreatment, pattern, and torture
		.150	Adds ability to consider victim impact and impact on family of victim evidence when considering an aggravated murder sentence
		.531	"
		.165	Adds to instances constituting assault in the third degree
		.206	Renumbering
		.415	Removes mental defect language
		.427	Adds instance constituting sexual abuse in the first degree
		.575	Renumbering
		.730	Renames "day care" to "child care" and removes legitimate purpose language
		.732	Removes legitimate purpose standard and replaces with reasonable person standard
		.738	"
		.744	Removes legitimate purpose standard and replaces with reasonable person standard and removes need for sworn statement
		.750	Replaces officer's stalking protective order with a citation to appear and show cause order
		.753	"

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
		<i>Crimes and Punishment: Offenses Against Property</i>	
		164.813	Removes wild edible mushrooms from the exceptions to the special forest products license
		<i>Crimes and Punishment: Fraud or Deception</i>	
		165.107	Replaces itemized list of metals with a general "nonferrous metal" reference and broadens the definition for persons
		<i>Crimes and Punishment: Against Public Order</i>	
		166.065	Removes place of burial from crime of abuse of venerated objects
		.075	Changes reference from "person" to "another"
		.210	Adds requirement of firearms training and psychological screening to authorized firearm carrying on official duty
		.260	Adds retired "parole and probation officer" language to those exempted from firearms and psychological screening
		.270	Removes reference to an outdated ORS provision
		.274	Re-letters due to reference change; removes reference to district to circuit court appeal
		.291	Adds permissibility of collection social security numbers when offered
		.293	Adds violation of firearms laws to cause for revoking concealed handgun license
		.410	Renumbers and removes reference to district to circuit court appeal
		.422	Renumbering for reference change
		.460	Renumbering for reference change
		.715	Renumbering

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
		.725	Adds discretion rather than mandate to attorney fees award to prevailing party; adds to requirements for initiating a proceeding when criminal racketeering activity is involved
		<i>Crimes and Punishment: Public Health and Safety</i>	
		167.117	Removes "slot machine" from the definition of "casino game"
		.118	Increases maximum winnings from \$750 to \$1,500 for licensed bingo or lotto games
		.147	Changes requirements for a defense to possession of gambling device
		.203	Changes numerical reference
		.212	"
		.222	"
		.238	"
		.242	"
		.247	"
		.310	Replaces enumerated list of livestock to a reference to ORS 609.010 which defines "livestock"
		.315 to .330	Renumbering; adds aggravated animal abuse in the first degree; adds reference to definition in ORS 609.010
		.335	Adds to exceptions for activity constituting animal abuse
		.345	Adds ability to enter and give food or first aid instead of water only to impounded animals where probable cause of animal abuse
		.350	Adds court authority to order a person convicted of animal abuse to enter an cruelty prevention program

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
TITLE 10. VEHICLES AND TRAFFIC			
Chapter 10.12: Stopping, Standing, and Parking			
10.12.260	Parking Citation: Forfeiture		
		<i>Oregon Vehicle Code: Rules of the Road for Drivers</i>	
		811.615	Increases minimum fine for parking in a space reserved for a disabled person from \$100 to \$190
Chapter 10.16: Towing, Storing, and Impoundment of Vehicles			
10.16.400(6)	Impoundment: Gen'l Regulations		
		<i>Oregon Vehicle Code: Destroyed, Abandoned, Stolen Vehicle; Number</i>	
		819.100	Renumbering
		.110	Renumbering
		.120	Renumbering
		.140	Renumbering
		.150	Renumbering
		.160	Renumbering and increasing value of abandoned vehicle from \$200 to \$500
		.170 to .190	Removes necessity for "written" notice
		.210	Renumbering
		.215	Increase value of abandoned vehicle from \$200 to \$500 and changes notice period from date that vehicle was towed to date notice was mailed
		.220	Renumbering; increases value from \$200 to \$500
10.16.400(7)(b), .470, .480	Impoundment: Gen'l Regulations Disposition Greater than \$750; Disposition Less than \$750		

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
		819.150	Changes from entitled to possession from that shown on the certificate to that recorded on the title
		.160	"
		.210	Renumbering
		.215	Increases abandoned vehicle from \$200 to \$500 and time limit from date notice was mailed
		.220	Renumbering and increasing from \$200 to \$500 as above
TITLE 17. LAND USE AND DEVELOPMENT CODE			
Chapter 17.04 General Provisions			
17.04.100	Definitions		
			<i>Public Health and Safety: Home Health; Residential Facilities; Hospices</i>
		443.705	Changes definition of "adult foster home" and eliminates reference to "certified" resident manager; adds to definition of provider
		.725	Licensing required before opening or operating an adult foster home
		.735	Changes requirement for issuing an adult foster home license
		.739	"
		.745	Renumbering; adds prohibition against reapplying within 1 year of a license denial; and adds provision for denying or revoking the license of a person who falsely represents no criminal conviction
		.760	Adds provisions mandating that lessors charge adult foster care providers a flat rate of rent
		.775	Adds provider responsibilities; renumbering
		.790	Adds imposition of a civil penalty for violation of ORS 443.725; adds flat rental fee provision

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF AMENDMENT
Chapter 17.12 Development Approval Procedures			
		<i>Miscellaneous Matters: Comprehensive Land Use Planning Coordination</i>	
17.12.400(3)	Appeals	197.825	Clarifies references to the Land Use Board of Appeals
		.829	Renumbering; adds review for local government decisions
		.830	Changes the land use board's discretionary award of attorney fees to prevailing parties to a mandatory one; renumbering; removes limitation for subject of review
		.832	Renumbering
		.835	Adds appeal procedures
		.840	Replaces delay provisions
		.850	Renumbering
Chapter 17.24: Land Divisions			
		<i>Property Rights and Transactions: Subdivisions and Partitions</i>	
17.24.1040(3) (m), (f)(16), (7)(f) (13), (10)	Application and Approval for Conventional Subdivisions and Partitions	92.090	Adds language that requires plats within water/irrigation districts shall be approved by a city or county without approval by the relevant water/irrigation district
		.050	Adds necessity for plat approval by county surveyor; removes subdivision or condominium as a reference
17.24.1050(5)(g)	Design Standards for Subdivisions and Partitions	.120	Removes requirement for statement of water rights

B. Deletion of Repealed Oregon Revised Statute Provisions: The following Oregon Revised Statutes have been repealed by Oregon laws, 1995, and no longer have effect within the Stayton Municipal Code, irrespective of reference therein, and are repealed.

STAYTON CODE	CODE SUBJECT	ORS (AMEND)	SUMMARY OF REPEALED STATUTE
TITLE 9: PUBLIC PEACE AND WELFARE			
Chapter 9.04: Adoption of State Laws			
9.04.010	Statutes Adopted		
			<i>Crime and Punishment: Offenses Against Persons</i>
		163.747	Violation of an officer's stalking protective order
			<i>Crime and Punishment: Public Order Offenses</i>
		166.420	Requirements and documentation for buying and selling handguns
TITLE 10: VEHICLES AND TRAFFIC			
Chapter 10.16: Towing, Storage, and Impoundment of Vehicles			
10.16.400(6)	Impoundment: Gen'l Regulations		
			<i>Oregon Vehicle Code: Destroyed, Abandoned, Stolen Vehicles; Number</i>
		819.130	Provisions for taking custody of and removing a vehicle on private property
TITLE 12. STREETS, SIDEWALKS, AND PUBLIC PLACES			
Chapter 12.04: Construction and Maintenance of Streets, Sidewalks, and Curbs			
12.04.092	Right-of-Way Permits: Penalties for Excavation		
			<i>Utility Regulations; Generally</i>
		757.541 to .571	Excavating regulations

PASSED BY THE STAYTON CITY COUNCIL this 2nd day of December 1996.

Date: 12-6-96

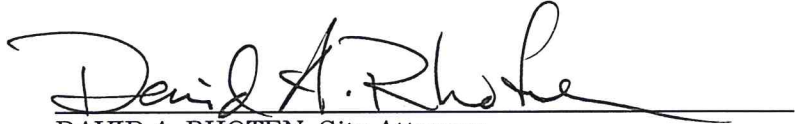
By: 
WILLMER VAN VLEET, Mayor

Date: 12/5/96

Attest: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM

Date: 11/19/96


DAVID A. RHOTEN, City Attorney