



AGENDA STAYTON CITY COUNCIL MEETING

Tuesday, September 3, 2013

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

6:00 p.m. City Council Work Session – Presentation by Republic Services dba Allied Waste (Community Center – North End)
7:00 p.m. Regular Meeting (Community Center – North End)

CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Request for Recognition: If you wish to address the Council, please fill out a green “Request for Recognition” form. Forms are on the table at the back of the room.

Recommended time for presentation is 10 minutes.

Recommended time for comments from the public is 3 minutes.

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

CONSENT AGENDA

- a. August 19, 2013 City Council Action Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations please contact Alissa Angelo, Deputy City Recorder at (503) 769-3425.

PUBLIC HEARING

Ordinance 960, Amends Stayton Municipal Code (SMC) Title 17, Chapter 12 Regarding the Procedures and Standards for Amendments to the Comprehensive Plan, Official Zoning Map, and Text Amendments to Title 17

Action

- a. Commencement of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing

UNFINISHED BUSINESS – None

NEW BUSINESS

Ordinance 960, Amends Stayton Municipal Code (SMC) Title 17, Chapter 12 Regarding the Procedures and Standards for Amendments to the Comprehensive Plan, Official Zoning Map, and Text Amendments to Title 17

Action

- a. Staff Report – Dan Fleishman
- b. Council Deliberation
- c. Council Decision

Ordinance No. 956, Implementing Chapter 317 of the 2013 Oregon Laws, Amending Stayton Municipal Code Title 8, Requiring the Owners of Foreclosed Residential Property to Register with the City and Declaring an Emergency

Action

- a. Staff Report – Dan Fleishman
- b. Council Deliberation
- c. Council Decision

Ordinance No. 959, Amends the Stayton Municipal Code Chapter 3.04, “Stayton Public Contracting Code”

Action

- a. Staff Report – David Kinney
- b. Council Deliberation
- c. Council Decision

Community Grant Application (Distributed via email prior to Council Meeting)

Action

- a. Staff Report – Christine Shaffer
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS

Ordinance No. 958, Amends Stayton Municipal Code Title 10, Chapters 10.04, 10.08, 10.12, and 10.16 Relating to Vehicles and Traffic

Informational

- a. Staff Report – Rich Sebens

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

- a. Appointment of Pam Pugsley to the Parks and Recreation Board

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS

- a. Mill Creek Assessment – Public Hearing September 16, 2013
- b. Review of City Charter

ADJOURN

CALENDAR OF EVENTS

SEPTEMBER 2013

Monday	Sept 2	CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY		
Tuesday	Sept 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	Sept 4	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	Sept 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	Sept 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	Sept 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	Sept 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	Sept 30	Planning Commission	7:00 p.m.	Community Center (north end)

OCTOBER 2013

Tuesday	October 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	October 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	October 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 21	City Council	7:00 p.m.	Community Center (north end)
Monday	October 28	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2013

Monday	Nov 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	Nov 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	Nov 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	Nov 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Tuesday	Nov 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	Nov 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	Nov 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	Nov 25	Planning Commission	7:00 p.m.	Community Center (north end)
Thursday	Nov 28	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING		
Friday	Nov 29			

**City of Stayton
City Council Meeting Action Minutes
August 19, 2013**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 8:25 P.M.

ATTENDANCE LOG

COUNCIL	STAFF
Mayor Scott Vigil	Alissa Angelo, Deputy City Recorder
Councilor Emily Gooch	Dan Fleishman, Director of Planning & Development (excused)
Councilor Catherine Hemshorn	David Kinney, Public Works Director
Councilor Jennifer Niegel	Louise Meyers, Library Director
Councilor Henry Porter	Rich Sebens, Police Chief
Councilor Brian Quigley	Christine Shaffer, Finance Director
	David Rhoten, City Attorney (excused)

AGENDA	ACTIONS
REGULAR MEETING	
Presentations / Comments from the Public	None
Announcements	
a. Additions to the Agenda	None
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	Councilor Quigley declared a conflict of interest and stated he will abstain from voting on the OLCC Change of Ownership for Cheers on 1 st .
Consent Agenda	
a. August 5, 2013 City Council Action Minutes	Motion from Councilor Gooch, seconded by Councilor Niegel, to approve the consent agenda. Motion passed 4:0 (Quigley abstained).
b. OLCC Change of Ownership – Cheers on 1 st	
Public Hearings	
Proposed Rate Increase for Solid Waste Management in the City of Stayton	
a. Commencement of Public Hearing	The hearing commenced at 7:02 p.m.
b. Staff Report – Christine Shaffer	Ms. Shaffer reviewed the staff report.
c. Questions from Council	The Council discussed increased franchise fee revenues, future potential rate increases, and recycling costs.
d. Proponents' Testimony	Matt Cofer, Operations Manager for Republic Services of Salem spoke on the rate increase.
e. Opponents' Testimony	None

f. General Testimony	None
g. Questions from the Public	None
h. Questions from the Council	None
i. Staff Summary	Ms. Shaffer stated if the Council would like to discuss a change in service levels, this topic can be brought back to Council.
j. Close of Hearing	7:15 p.m.
Unfinished Business	None
New Business	
a. Resolution No. 902, Proposed Rate Increase for Solid Waste Management	<p>Motion from Councilor Porter, seconded by Councilor Niegel, to approve Resolution No. 902, Establishing Rates for Solid Waste Management Services in the City of Stayton.</p> <p>Council discussion of timing of new rates going into effect and options if the Council chose not to approve the rate increase.</p> <p>Ms. Shaffer stated the Council could invite Republic Services to a work session to offer an in depth presentation of their services and partnership with the City.</p> <p>Motion failed 2:3 (Hemshorn, Quigley opposed; Gooch abstained; Mayor Vigil opposed, breaking the tie).</p>
b. Star Cinema Request for Financial Assistance	<p>Ms. Shaffer reviewed her staff report.</p> <p>Star Cinema operator Jeff Mexico spoke in support.</p> <p>Council discussion of options for assisting the Star Cinema operators in purchasing a used digital projector. Councilor Quigley would like to see a modified lease agreement prior to voting. Council consensus</p> <p>Motion from Councilor Niegel, seconded by Councilor Gooch, to direct staff to execute a revised 5 year lease agreement between the City of Stayton and Star Cinema, LLC, with modified language in section 10.1, and approve payment in the amount of \$15,145.29 to Star Cinema, LLC, as a contribution towards the digital upgrade at lease</p>

<p>c. Ordinance No. 957, Amending Ordinance No. 854, SCTC Franchise Agreement</p> <p>d. Grant Request – Santiam Senior Center, Inc.</p>	<p>signing. Motion passed 4:1 (Quigley).</p> <p>Motion from Councilor Niegel, seconded by Councilor Hemshorn, to adopt Ordinance No. 957 which amends Ordinance No. 854, SCTC Franchise Agreement extending the term by one year. Motion passed 5:0.</p> <p>Brief review of other organizations who have already received grant funding from the City in the current fiscal year.</p> <p>Jean Kunis, 685 W. Maple Street spoke in favor of the grant funding for the Santiam Senior Center. They have not received funding from any other entities.</p> <p>Motion from Councilor Quigley, seconded by Councilor Niegel, to award a grant in the amount of \$500 to the Santiam Senior Center. Motion passed 5:0.</p>
<p>Staff / Commission Reports</p> <p>a. Finance Director’s Report – Christine Shaffer</p> <p>b. Police Chief’s Report – Rich Sebens</p> <p>c. Public Works Director’s Report – Dave Kinney</p> <p>d. Planning & Development Director’s Report – Dan Fleishman</p> <p>e. Library Director’s Report – Louise Meyers</p>	<p>No discussion.</p> <p>Chief Sebens spoke about the recent National Night Out event held in four of Stayton’s parks.</p> <p>Mr. Kinney briefly reviewed his informational public works update report.</p> <p>No discussion.</p> <p>No discussion.</p>
<p>Presentations / Comments From the Public</p>	<p>None</p>
<p>Business from the City Administrator</p>	<p>Ms. Shaffer informed the Council that mediation with the Santiam Water Control District begins Tuesday, August 20.</p>
<p>Business from the Mayor</p>	<p>None</p>
<p>Business from the Council</p>	<p>Councilor Quigley asked if the YMCA had hired a manager. Ms. Shaffer stated at this time they had not.</p>
<p>Future Agenda Items</p> <p>a. Mill Creek Assessment</p> <p>b. Ordinance for Registration Requirement for Foreclosed Properties</p> <p>c. Review of City Charter</p> <p>d. Revisions to Stayton Municipal Code Title 10</p>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 3RD DAY OF SEPTEMBER 2013, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

A. Scott Vigil, Mayor

Date: _____

Attest: _____

Christine Shaffer, Interim City Administrator

Date: _____

Transcribed by: _____

Alissa Angelo, Deputy City Recorder

DRAFT



City of Stayton

Planning and Development Department

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MEMORANDUM

TO: Mayor Scott Vigil and City Council Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: September 3, 2013
SUBJECT: Public Hearing and Consideration of Ordinance 960

ISSUE

The issue before the City Council is a public hearing on and consideration of Ordinance 960, legislative text amendments to the Stayton Land Use and Development Code, Title 17, Chapter 17.12 regarding the procedures and standards for adopting amendments to the Comprehensive Plan (text or map), Land Use and Development Code, and Official Zoning Map. The Planning Commission reviewed these proposed amendments at its May meeting and held a public hearing at their July meeting.

BACKGROUND

Prior to 2007 the Land Use and Development Code contained two different sections on the process and standards for amending the Comprehensive Plan Map and the Official Zoning Map. Whereas the City had identical Comprehensive Plan and Official Zoning Maps, in 2007, these two sections were combined into Section 17.12.170. Now that the City has a general Comprehensive Plan Map and a more detailed Official Zoning Map, the Code needs to be amended to once again establish different procedures and sets of criteria for the different types of amendments.

The Department of Land Conservation and Development was notified of the proposed amendments and the public hearing more than 35 days in advance of the first hearing, as required by state law. Notice has been posted at City Hall, the Library and Community Center and on the City's Website as well.

PROPOSAL

I have reviewed a number of codes from around the State to look at the procedures and criteria that other cities have adopted. Based on parts from several different codes I drafted the proposed amendments. I have reviewed the proposed amendments with the City's Land Use Attorney and revised them in accordance with his recommendations.

Currently, Section 17.12.170 establishes procedures, submittal requirements, and approval criteria for amendments to the comprehensive plan and zoning maps.

One of the reasons for establishing a general Comprehensive Plan Map and detailed Official Zoning Map was to establish different procedures for amendments for each of the maps. Under state administrative rules, changes to the Comprehensive Plan (including map) must be sent to the Department of Land Conservation and Development at least 35 days in advance of the first hearing on the proposal. However, changes to the Land Use Code or Zoning Map do not have to be reviewed by the state unless they impact statewide planning goals. The City must make findings that all amendments to the Comprehensive Plan comply with the statewide planning goals and appropriate administrative rules. Land Use Code amendments are presumed to be in compliance with the statewide planning goals if they conform to the Comprehensive Plan policies and map.

A second objective of the proposed amendments is to distinguish between legislative amendments to the Plan, Code or Map and quasi-judicial amendments. Legislative amendments are those initiated by the City and that constitute a change in policy or a correction of an error in the Plan, and affect a wide number of properties. A quasi-judicial amendment is one that is initiated by a property owner or group of property owners and results in changes that impact a property or a small number of properties. The proposed amendments provide for the procedures for each type of change, specify that text amendments to the Land Use Code may be initiated only as legislative amendments, and establish differing criteria for adoption of the each type of amendment.

The proposed amendments would repeal Section 17.12.170 completely and replace it with the proposed language regarding Comprehensive Plan Amendments, establish a new Section 17.12.175 regarding text amendments to the Land Use Code, and re-establish Section 17.12.180 that was repealed in 2007.

To briefly summarize, the proposed amendments would require findings that a legislative amendment to the Comprehensive Plan be consistent with other provisions of the Plan and with the Statewide Planning Goals. For a quasi-judicial amendment, seven approval criteria are established:

- Consistency with the goals and policies of the Comprehensive Plan.
- Lack of adequate areas in appropriate locations for uses allowed in the proposed land use designation consistent with projected needs for such lands in the Comprehensive Plan.
- Compliance with the statewide planning goals.
- Adequate transportation facilities are available for uses permitted under the proposed designation in conformance with the Oregon Transportation Planning Rule.
- Current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.
- Available public facilities and services to support uses allowed in the proposed designation.
- Uses allowed in the proposed designation will not adversely affect existing or planned uses on adjacent lands.

For Zoning Map amendments, six approval criteria are established for quasi-judicial amendments.

- The proposed zone is consistent with the Comprehensive Plan map designation.
- Existing or anticipated services can accommodate potential development in the subject area.
- Transportation facilities are adequate for uses permitted under the proposed zone designation in conformance with the Oregon Transportation Planning Rule.
- Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan.

- The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.

RECOMMENDATION

The Planning Commission forwarded the amendments to the City Council with a recommendation of approval. Staff recommends enactment of the Ordinance.

OPTIONS AND SUGGESTED MOTIONS

1. Approve the first consideration of Ordinance 960

Move to approve Ordinance No 960.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 960 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 960 will be brought before the Council for a second consideration at the September 16, 2013 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 960 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 960 will be brought before the Council for a second consideration at its September 16, 2013 meeting.

3. Retain the Code unchanged

No motion is necessary.

ORDINANCE NO. 960

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC)
TITLE 17, CHAPTER 12 REGARDING THE PROCEDURES AND
STANDARDS FOR AMENDMENTS TO THE COMPREHENSIVE PLAN,
OFFICIAL ZONING MAP, AND TEXT AMENDMENTS TO TITLE 17**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted an updated Comprehensive Plan with a new Comprehensive Plan Map in March 2013;

WHEREAS, the City of Stayton has adopted a Land Use and Development Code (SMC Title 17), including an April 1, 2013 Official Zoning Map;

WHEREAS, prior to March 2013 the City of Stayton had previously adopted a unified Comprehensive Plan Map and Official Zoning Map;

WHEREAS, SMC Title 17, Chapter 12, Section 17.12.170 contains the identical provisions for the procedures and standards for amendments to the Comprehensive Plan Map and Official Zoning Map;

WHEREAS, SMC Title 17, Chapter 12, does not contain any provisions regarding the procedures and standards for a text amendment to SMC Title 17;

WHEREAS, following a public hearing, the Stayton Planning Commission has recommended that the Stayton City Council enact the proposed amendments;

WHEREAS, the Stayton City Council desires to establish different procedures and standards for the amendment of the Comprehensive Plan and the Official Zoning Map and to establish the procedures and standards for a text amendment to SMC Title 17; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapter 12 amended. Stayton Municipal Code, Title 17, Chapter 12 Section 17.12.170 is hereby repealed and replaced, and new Sections 17.12.175 and 17.12.180 are enacted as shown on Exhibit A attached hereto and incorporated herein.

Section 2. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 3rd day of September, 2013.

CITY OF STAYTON

Signed: _____, 2013

BY: _____
A. Scott Vigil, Mayor

Signed: _____, 2013

ATTEST: _____
Christine Shaffer,
Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

DRAFT

EXHIBIT A

Part 1. Repeal and replace the existing **Section 17.12.170** with the following:

17.12.170 COMPREHENSIVE PLAN AMENDMENTS

1. **PURPOSE.** The Comprehensive Plan is the City's official and controlling land use document, guiding public and private activities that affect Stayton's growth, development, and livability. The Plan is intended to be a flexible document, reflecting changing circumstances and community attitudes through occasional amendments. This section provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purposes. This process applies to proposed amendments to Comprehensive Plan text, goals, policies or actions, and to Comprehensive Plan Map designations.
2. **DEFINITION:** A plan amendment may be the redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. Amendments may either be legislative amendments or quasi-judicial amendments. A legislative amendment is one that is initiated by the City Council or Planning Commission, constitutes a change in policy or a correction of an error in the Plan, and affects a wide number of properties. A quasi-judicial amendment is one that is initiated by a property owner or group of property owners and results in changes in the Comprehensive Plan text or map that impacts a property or a small number of properties. Major revisions, including the updating of all or parts of the plan and affecting the framework or principal elements of the plan, are considered to be legislative amendments and may not be initiated by individual applicants.
3. **INITIATION:** A legislative Comprehensive Plan amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution. A quasi-judicial Comprehensive Plan amendment may be initiated by an applicant through the submission of an application.
4. **METHOD OF ADOPTION:** Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Comprehensive Plan amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.
5. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Comprehensive Plan amendments shall include the following materials and information:
 - a. Completed application forms as supplied by the City Planner.
 - b. Evidence of the applicant's right, title or interest in the property for which the amendment is requested, including the latest recorded deed for the property. If the applicant is not the owner the applicant shall submit a purchase and sales contract, option, or other document executed by the owner indicating the applicant's right to proceed with the application.
 - c. A map, drawn to scale, showing the property for which the amendment is requested, surrounding properties within 300 feet, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested land use designation(s).
 - d. A narrative statement fully explaining the request and fully addressing the criteria for approval for a plan amendment. If the request is a text-only amendment (e.g., no

requested change in land use designation), the statement must fully explain the nature of the requested amendment and provide reasons why the amendment is appropriate and how the Comprehensive Plan will continue to comply with all applicable statewide planning goals and administrative rules. For a Comprehensive Plan Map amendment, the narrative shall include at least the following:

- 1) A statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities.
 - 2) A statement of increased demand for the above facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis.
 - 3) A statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis
 - 4) A traffic impact analysis in accordance with the requirements of Section 17.26.050.3. The City Engineer shall define the scope of the traffic impact analysis. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
 - 5) A statement outlining the method and source of financing required to provide those additional facilities identified in subsection 3) above.
 - e. If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.
6. **APPROVAL CRITERIA:** In order to approve a Comprehensive Plan amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.
- a. Legislative Amendments.
 - 1) The amendment is consistent with the other goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.
 - b. Quasi-judicial Amendments.
 - 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.

- 2) The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.
 - 3) Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.
 - 4) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).
 - 5) The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.
 - 6) Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.
 - 7) Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.
6. PLAN MAP: Whenever any land is redesignated pursuant to a plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

Part 2. Add a new **Section 17.12.175** as follows:

17.12.175 LAND USE CODE AMENDMENTS

1. **PURPOSE.** This Title must be consistent with the adopted Comprehensive Plan, as amended, and as such is the implementation of the City's land use planning goals and policies. The purpose of this Section is to provide a framework for the adoption of amendments to this Title that meet the criteria of this Section.
2. **DEFINITION:**

A Land Use Code amendment is an amendment to the text of this Title, any of the tables or diagrams in this Title, or the addition of new Chapters or Sections to this Title, but does not include an amendment to the Official Zoning Map.

Land Use Code amendments are considered to be legislative amendments and may not be initiated by individual applicants. However, an individual may request the Planning Commission initiate an amendment.
3. **INITIATION:** A Land Use Code amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution. An individual may request the Planning Commission initiate a Land Use Code amendment by submitting a written request generally describing the proposed amendment.
4. **METHOD OF ADOPTION:** Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Land Use Code amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.
5. **SUBMITTAL REQUIREMENTS:** If an individual would like to request that the Planning Commission initiate a Land Use Code amendment, the following information shall be submitted to the Planning Commission:

- a. A general description of the issue to be addressed by the amendment, citing the existing the Land Use Code provisions that are proposed to be changed.
- b. A draft of a proposed amendment, showing current text to be deleted crossed out and proposed text to be added underlined.

Part 3. Add a new **Section 17.12.180** as follows:

17.12.180 ZONING MAP AMENDMENTS

1. **PURPOSE.** The Official Zoning Map must be consistent with the adopted Comprehensive Plan Map, as amended, and as such is a reflection of the City's land use planning goals and policies. The Official Zoning Map has also been adopted as part of this Code and covers only the area within the City Limits, whereas the Comprehensive Plan Map covers the entire area within the Urban Growth Boundary. The purpose of this Section is to allow for amendments to the Official Zoning Map that meet the criteria of this Section.

2. **DEFINITION:**

When the Official Zoning Map is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a Comprehensive Plan designation. In these situations, the zone may be amended without a Comprehensive Plan Map amendment. Section 17.16.020.2 Classification of Zones, lists the relationship between the Comprehensive Plan Map and the Official Zoning Map designations in the City.

Official Zone Map amendments are classified as legislative or quasi-judicial, depending on how they are initiated and the number of properties involved. A legislative amendment is the amendment of the Official Zoning Map, initiated by the City Council or Planning Commission, either to create a new zoning district that does not exist within Chapter 17.16 or to reclassify a large area of the City from one zoning district to another. A quasi-judicial amendment is one requested by a property owner or group of property owners reclassifying their property from one zoning district to another, provided the new zoning district exists within Chapter 17.16.

3. **INITIATION:** A Comprehensive Plan amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution or by an applicant through the submission of an application.

4. **METHOD OF ADOPTION:** Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Official Zone Map amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.

5. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Official Zone Map amendments shall include the following materials and information:

- a. Completed application forms as supplied by the City Planner.
- b. Evidence of the applicant's right, title or interest in the property for which the amendment is requested, including the latest recorded deed for the property. If the applicant is not the owner the applicant shall submit a purchase and sales contract, option, or other document executed by the owner indicating the applicant's right to proceed with the application.

- c. A map, drawn to scale, showing the property for which the amendment is requested, surrounding properties within 300 feet, neighboring streets, existing Comprehensive Plan Map designation(s) and zoning district(s) on the property and surrounding properties, and the exact extent of requested zoning change.
 - c. A narrative statement fully explaining the request and fully addressing the criteria for approval for an Official Zone Map amendment. At a minimum, the narrative shall include:
 - 1) A statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities.
 - 2) A statement of increased demand for the above facilities that will be generated by the proposed change in zone designation. The applicant shall refer to the City's facility master plans to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis.
 - 3) A statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
 - 4) A traffic impact analysis in accordance with the requirements of Section 17.26.050.3. The City Engineer shall define the scope of the traffic impact analysis. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
 - 5) A statement outlining the method and source of financing required to provide those additional facilities identified in subsection 3) above.
5. APPROVAL CRITERIA. In order to approve an Official Zoning Map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.
- a. Legislative Amendments. The amendment is consistent with the goals and policies of the Comprehensive Plan including any relevant area plans.
 - b. Quasi-judicial Amendments.
 - 1) The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.
 - 2) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.

- 3) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).
 - 4) The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.
 - 5) Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.
 - 6) The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.
6. ZONING MAP. Whenever any premises are reclassified as to zone or a new zone established, or boundary lines of a zone changed, the Official Zoning Map shall be changed.



City of Stayton

Planning and Development Department

Mailing address: 362 N. Third Avenue · Stayton, OR 97383

Office location: 311 N. Third Avenue

Phone: (503) 769-2998 · FAX: (503) 767-2134

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

MEMORANDUM

TO: Mayor Scott Vigil and City Council Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: September 3, 2013
SUBJECT: Consideration of Ordinance 956 Regarding Registration of Vacant Foreclosed Residential Properties

ISSUE

The issue before the City Council is consideration of Ordinance 956, amending the Stayton Municipal Code, Title 8, Chapter 8.04 to implement Chapter 317 of the 2013 Laws of the State of Oregon, enacted by the Legislature and signed by the Governor in June.

BACKGROUND

Management of nuisance conditions at vacant residential problems has been an issue for the City of Stayton. In response to similar issues across the state, HB 2662 was introduced into the 2013 Regular Session of the Legislature. The Bill was passed by the Legislature, and as enacted, requires the owners of vacant foreclosed residential property to register with the local government and prohibits the owner of foreclosed residential property from allowing a variety of nuisance conditions from occurring. The Bill gives local governments the ability to correct nuisance conditions, similar to the existing provisions in the Stayton Municipal Code. A copy of HB 2662, as enrolled, is attached. HB 2662 became effective when signed by the Governor, in June.

Staff became aware of HB 2662 through an email received from a representative of an out-of-state bank with whom we had dealt several years ago about some vegetation management issues. She enquired if Stayton had enacted a local ordinance to implement HB 2662. When informed that the City had not and the City's interpretation was that the new state law did not require a local ordinance, the bank representative replied that they would not comply without one. Hence the proposal that is currently before the City Council. Copies of the email correspondence are attached.

PROPOSAL

Draft Ordinance 956 incorporates the provisions of HB 2662 into the Stayton Municipal Code (SMC), modified to reflect the existing provisions of the SMC.

The ordinance requires that the owner of vacant foreclosed residential property register with the Planning Department, informing the City of the name and contact information for the owner's agent.

The owner must also post a durable notice on the property listing contact information in case of neglect. The owner is prohibited from neglecting the property or allowing various nuisance conditions from occurring.

Enactment of Ordinance 956 will assist the City in enforcing the existing nuisance prohibition provisions in the SMC. Ordinance 956 has been draft as an emergency ordinance, so that it becomes effective immediately upon signature by the Mayor.

RECOMMENDATION

Staff recommends enactment of the Ordinance.

OPTIONS AND SUGGESTED MOTIONS

1. Approve the first consideration of Ordinance 956

Move to approve Ordinance No 956.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 956 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 956 will be brought before the Council for a second consideration at the September 16, 2013 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 956 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 956 will be brought before the Council for a second consideration at its September 16, 2013 meeting.

3. Retain the Code unchanged

No motion is necessary.

Enrolled House Bill 2662

Sponsored by Representative FREDERICK; Representative VEGA PEDERSON (Pre-session filed.)

CHAPTER

AN ACT

Relating to the neglect of foreclosed residential real property; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) **“Foreclosed residential real property”** means residential property, as defined in ORS 18.901, that an owner obtains as a result of:

- (A) **Foreclosing a trust deed on the residential property; or**
- (B) **Receiving a judgment that forecloses a lien on the residential property.**

(b) **“Neglect”** means:

(A) **To fail or a failure to maintain the buildings, grounds or appurtenances of foreclosed residential real property in such a way as to allow:**

- (i) **Excessive growth of foliage that diminishes the value of adjacent property;**
- (ii) **Trespassers or squatters to remain on the foreclosed residential real property or in a structure located on the foreclosed residential real property;**
- (iii) **Mosquito larvae or pupae to grow in standing water on the foreclosed residential real property; or**
- (iv) **Other conditions on the foreclosed residential real property that cause or contribute to causing a public nuisance.**

(B) **To fail or a failure to monitor the condition of foreclosed residential real property by inspecting the foreclosed residential real property at least once every 30 days with sufficient attention so as to prevent, or to identify and remedy, a condition described in subparagraph (A) of this paragraph.**

(c) **“Owner”** means a person, other than a local government, that forecloses a trust deed by advertisement and sale under ORS 86.735 or by suit under ORS 88.010.

(d) **“Reasonable costs”** means actual and demonstrable costs that are commensurate with and do not exceed the market rate for services necessary to remedy a condition of neglect, plus the actual and demonstrable costs of administering a contract for services to remedy a condition of neglect or the portion of the costs of a program to remedy conditions of neglect that are attributable to remedying a condition of neglect for specific foreclosed residential real property.

(2)(a) **An owner may not neglect the owner’s foreclosed residential real property during any period in which the foreclosed residential real property is vacant.**

(b) **An owner shall provide the owner’s name or the name of the owner’s agent and a telephone number or other means for contacting the owner or agent to:**

(A) The neighborhood association for the neighborhood in which the foreclosed residential real property is located; or

(B) An official that the local government designates to receive the information described in this paragraph.

(c) An owner shall post a durable notice in a conspicuous location on the foreclosed residential real property that lists a telephone number for the owner or for the local government that a person may call to report a condition of neglect. The owner shall replace the notice if the notice is removed from the foreclosed residential real property during a period when the foreclosed residential real property is vacant.

(d) An owner or the agent of an owner shall identify the owner of the foreclosed residential real property to the local government and shall provide to, and maintain with, the local government current contact information during a period when the foreclosed residential real property is vacant.

(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government shall notify the owner in writing of the foreclosed residential real property that is the subject of the violation and in accordance with paragraph (b) or (c) of this subsection, as appropriate, shall specify a time within which the owner must remedy the condition of neglect that is the basis for the local government's finding.

(b) The local government shall allow the owner not less than 30 days to remedy the violation unless the local government makes a determination under paragraph (c) of this subsection and shall provide the owner with an opportunity to contest the local government's finding at a hearing. The owner must contest the local government's finding within 10 days after the local government notifies the owner of the violation.

(c) If the local government determines that a specific condition of the foreclosed residential real property constitutes a threat to public health or safety, the local government may require an owner to remedy the specific condition in less than 30 days, provided that the local government specifies in the written notice the date by which the owner must remedy the specific condition. A local government may specify in the written notice different dates by which the owner must remedy separate conditions of neglect on the foreclosed residential real property.

(4)(a) After a local government allows an owner the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local government may remedy or contract with another person to remedy neglect or a specific condition of neglect on foreclosed residential real property and require the owner to reimburse the local government for reasonable costs the local government incurs under this paragraph.

(b) A local government that has incurred costs with respect to foreclosed residential real property under paragraph (a) of this subsection has a lien on the foreclosed residential real property for the sum of the local government's unreimbursed costs. A lien created under this paragraph is prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the foreclosed residential real property is located. A local government may bring an action in the circuit court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House April 25, 2013

.....
Ramona J. Line, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 30, 2013

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

.....
Kate Brown, Secretary of State

Dan Fleishman

From: Mary Russell [MaryR@Fiveonline.com]
Sent: Tuesday, July 16, 2013 8:33 AM
To: Dan Fleishman
Subject: RE: Stayton OR - Ordinance & HB 2662

Mr. Fleishman,

Thank you very much. We'll use the small size sign on any properties that we get in Stayton. As to a list of properties, my department, Vacant Property Registration, only handles registration of property that is required by an ordinance. If a municipality has an ordinance requiring the registration of vacant and/or foreclosed property we register each property with all the contact information for both the bank and Five Brothers, as the preservation property.

Thank you again,
Mary Russell

From: Dan Fleishman [mailto:DFleishman@ci.stayton.or.us]
Sent: Monday, July 15, 2013 6:05 PM
To: Mary Russell
Subject: RE: Stayton OR - Ordinance & HB 2662

Ms Russell,

Thank you for contacting me on this. The City of Stayton has not enacted a local ordinance regarding registration of foreclosed property. However, as I read HB 2662, effective June 2013, it is the owner of foreclosed property's responsibility to provide the owner's name or the name of an agent and telephone number or other means for contacting the owner or agent to the municipal government regardless of whether the local government has enacted an ordinance. That notice should be provided to me. Email is a satisfactory form of notification.

It is also the owner's responsibility to post a sign. The City does not have specifications for the sign and neither does state law.

If you have further questions, please feel free to write or call.

Dan Fleishman
Director of Planning and Development
362 N Third Avenue
Stayton, OR 97383
ph (503) 769-2998
fax (503) 767-2134

From: Mary Russell [mailto:MaryR@Fiveonline.com]
Sent: Monday, July 15, 2013 1:18 PM
To: Dan Fleishman
Subject: Stayton OR - Ordinance & HB 2662

Ms. Fleishman,

It's been a couple of years since we last contacted you; please advise if Stayton has adopted an ordinance requiring registration of vacant, abandoned, and foreclosed property. Should we be registering vacant bank &

mortgage company properties within your jurisdiction? If so, please send us a copy of both the ordinance and registration form.

Also, recently House Bill 2662 was passed; it requires a sign be posted on vacant foreclosed residential property. Will you be adhering to HB 2662? We have two sizes of sign - 8 ½ x 11 and 18 x 24. Please let me know whether or not we should be using a sign and which size sign will be required.

If you are not the person who can answer this, please forward to the person/department that can.

Thank you,

Mary Russell
Vacant Registration Specialist
P: 586.350.2731
F: 586.552.4970
maryr@fiveonline.com

Five Brothers Default Management Solutions
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Warren, MI 48089
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ORDINANCE NO. 956

AN ORDINANCE IMPLEMENTING CHAPTER 317 OF THE 2013 OREGON LAWS, AMENDING STAYTON MUNICIPAL CODE TITLE 8, REQUIRING THE OWNERS OF FORECLOSED RESIDENTIAL PROPERTY TO REGISTER WITH THE CITY AND DECLARING AN EMERGENCY

WHEREAS, the Stayton City Council finds vacant residential property are frequently not maintained;

WHEREAS, the lack of maintenance of vacant residential properties may result in nuisance conditions such as unmowed grass, overgrown weeds, and dangerous or derelict buildings;

WHEREAS, the difficulty of tracking the ownership of foreclosed properties has resulted in increased expense to the City and delay in the enforcement of the City's Nuisance Code;

WHEREAS, the Oregon Legislative Assembly did enact and the Governor signed Chapter 317 of the 2013 Oregon Laws;

WHEREAS, Chapter 317 requires the owners of foreclosed vacant residential properties to register with the local government, and to post notice on the building;

WHEREAS, the Stayton City Council desires to implement Chapter 317 at the local level; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 8 amended. Stayton Municipal Code, Title 8, Chapter 8.04 is hereby amended, by enacting Section 8.04.310 as follows.

8.04.310 REGISTRATION OF FORECLOSED RESIDENTIAL PROPERTY

1. Definitions. As used in this section:

a. "Foreclosed residential real property" means residential property, as defined in ORS 18.901, that an owner obtains as a result of foreclosing a trust deed on the residential property; or receiving a judgment that forecloses a lien on the residential property.

Note to DAR: same as statute, but all in one sentence instead of two subparagraphs.

b. "Neglect" means:

1. To fail or a failure to maintain the buildings, grounds or appurtenances of foreclosed residential real property in such a way as to allow:

i. Growth of noxious vegetation, as defined in Section 8.04.130, that diminishes the value of adjacent property;

Note to DAR: Statute says, "Excessive growth of foliage that diminishes the value of adjacent property." I've used the term noxious vegetation whereas that is a defined term in SMC, as cited above.

ii. Trespassers or squatters to remain on the foreclosed residential real property or in a structure located on the foreclosed residential real property;

- iii. Mosquito larvae or pupae to grow in standing water on the foreclosed residential real property; or
 - iv. Other conditions on the foreclosed residential real property that cause or contribute to causing a public nuisance.
2. To fail or a failure to monitor the condition of foreclosed residential real property by inspecting the foreclosed residential real property at least once every 30 days with sufficient attention so as to prevent, or to identify and remedy, a condition described in subsection 1 above.

Note to DAR: similar to statute, except as noted above, but subparagraphs renumbered to reflect SMC numbering format.

- c. "Owner" means a person, other than the City of Stayton, that forecloses a trust deed by advertisement and sale under ORS 86.735 or by suit under ORS 88.010.

Note to DAR: same as statute, but note SMC Sect 8.04.010 for existing definition of "owner".

2. Owner's Responsibility

- a. An owner may not neglect the owner's foreclosed residential real property during any period in which the foreclosed residential real property is vacant.

Note to DAR: same as statute.

- b. An owner shall provide the owner's name or the name of the owner's agent and a telephone number or other means for contacting the owner or agent to the City Planner.

Note to DAR: Statute requires owner's name, etc. be provided to "(A. The neighborhood association for the neighborhood in which the foreclosed residential real property is located; or(B) An official that the local government designates to receive the information described in this paragraph." Stayton does not have neighborhood associations. I've designated the official in the Code.

- c. An owner shall post a durable notice in a conspicuous location on the foreclosed residential real property that lists a telephone number for the owner that a person may call to report a condition of neglect. The owner shall replace the notice if the notice is removed from the foreclosed residential real property during a period when the foreclosed residential real property is vacant.

Note to DAR: Statute says "(c) An owner shall post a durable notice in a conspicuous location on the foreclosed residential real property that lists a telephone number for the owner *or for the local government* that a person may call to report a condition of neglect. The owner shall replace the notice if the notice is removed from the foreclosed residential real property during a period when the foreclosed residential real property is vacant." (italics mine) I have deleted reference to the local official. The statute is permissive either owner or local official. Posting name and number of owner complies with statute. I want neighbors bugging the owner before they call me.

- d. An owner or the agent of an owner shall identify the owner of the foreclosed residential real property to the City Planner and shall provide to, and maintain with, the Planning Department current contact information during a period when the foreclosed residential real property is vacant.

Note to DAR: I have substituted "City Planner" for "local government," as the statute reads.

3. Notice of Violation

- a. If the Enforcement Officer finds a violation of subsection 2.a above, the Enforcement Officer shall notify the owner in writing of the foreclosed residential real property that is the subject of the violation and in accordance with paragraph 3.b or 3.c below, as appropriate, shall specify a time within which the owner must remedy the condition of neglect that is the basis for the Enforcement Officer's finding.

Note to DAR: Statute says "(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government shall notify the owner in writing of the foreclosed residential real property that is the subject of the violation and in accordance with paragraph (b) or (c) of this subsection, as appropriate, shall specify a time within which the owner must remedy the condition of neglect that is the basis for the local government's finding." I have been a bit more specific in citing "paragraph 3.b or 3.c below" instead of "in this subsection" and referred to our Enforcement Officer instead of "the local government."

- b. The Enforcement Officer shall allow the owner not less than 30 days to remedy the violation unless the Enforcement Officer makes a determination under paragraph 3.c below and shall provide the owner with an opportunity to contest the Enforcement Officer's finding at a hearing. The owner must contest the Enforcement Officer's finding within 10 days after the City Planner notifies the owner of the violation.

Note to DAR: Pretty much repeats the statute. I have been a bit more specific in citing "paragraph 3.b or 3.c below" instead of "in this subsection" and referred to our Enforcement Officer instead of "the local government."

- c. If the Enforcement Officer determines that a specific condition of the foreclosed residential real property constitutes a threat to public health or safety, the Enforcement Officer may require an owner to remedy the specific condition in less than 30 days, provided that the Enforcement Officer specifies in the written notice the date by which the owner must remedy the specific condition. The Enforcement Officer may specify in the written notice different dates by which the owner must remedy separate conditions of neglect on the foreclosed residential real property.

Note to DAR: Pretty much repeats the statute. I have been a bit more specific in citing "paragraph 3.b or 3.c below" instead of "in this subsection" and referred to our Enforcement Officer instead of "the local government."

- d. After the Enforcement Officer allows an owner the time specified in subsection 3.b above or makes a determination under subsection 3.c above, the Enforcement Officer shall follow the procedures under Sections 8.04.260 through 8.04.290 above for abatement of the nuisance conditions.

Note to DAR: Statute says "(4)(a) After a local government allows an owner the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local government may remedy or contract with another person to remedy neglect or a specific condition of neglect on foreclosed residential real property and require the owner to reimburse the local government for reasonable costs the local government incurs under this paragraph.

(b) A local government that has incurred costs with respect to foreclosed residential real property under paragraph (a) of this subsection has a lien on the foreclosed residential real property for the sum of the local government's unreimbursed costs. A lien created under this paragraph is prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the foreclosed residential real property is located. A local government may bring an action in the circuit court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property."

In paragraph (a), I have been a bit more specific in citing "paragraph 3.b or 3.c above" instead of "in this subsection" and referred to our existing procedures in SMC 8.04.260 to 8.04.290. I have not included paragraph (b) because its contents is already reflected in SMC 8.04.260 to 8.04.290

Section 2. Effective Date. 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 ___day of ___ 2013.

CITY OF STAYTON

Signed: _____, 2013

BY: _____
A. Scott Vigil, Mayor

Signed: _____, 2013

ATTEST: _____
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and City Councilors

THRU: Interim City Administrator Christine Shaffer

FROM: David W. Kinney, Public Works Director

DATE: September 3, 2013

SUBJECT: Chapter 3.04 “Stayton Public Contracting Code”
Increase Small Procurement Limit from \$5,000 to \$10,000

ISSUE:

Should the City amend Stayton Municipal Code Chapter 3.04 “Stayton Public Contracting Code” to increase the contract limits for small procurements from \$5,000 to \$10,000?

BACKGROUND INFORMATION

The 2013 Oregon Legislature adopted and Governor Kitzhaber signed HB2212 to increase from \$5,000 to \$10,000 the maximum amount of procurement that qualifies as a “small procurement” under Oregon’s Public Contracting Code. Small procurements may be awarded in any manner that is practical or convenient by the contracting agency. The small procurement amount has not been raised since 1993. *Effective Date: June 26, 2013*

The purpose of this section is to allow public agencies to directly select a vendor, contractor or supplier for small purchases rather than require public agencies to obtain three or more written competitive quotes.

Under the existing Stayton Public Contracting Code, Chapter 3.04, the city staff is required to solicit three written quotes for projects costing \$5,000 or more. For work under \$5,000, the City can make a direct appointment or direct purchase from the appropriate vendor or contractor. The City has the option of obtaining quotes but is not obligated to do so.

The Public Works staff recommends that the City amend SMC Section 3.04.080.F.4 to increase the amount of a small procurement/public contract from \$5,000 to \$10,000. It will simplify the purchase of equipment (HVAC units, WWTF equipment, phones, etc.) and provide greater flexibility for Mike Brash, Tom Etzel and Brenda Kuiken for minor street, water and sewer contracts.

3.04.080.F Contracts Subject to Award at City Administrator’s Discretion. The following classes of contracts may be awarded in any manner which the City Administrator deems appropriate to the City of Stayton’s needs, including by direct appointment or purchase. Except where otherwise provided, the City Administrator shall make a record of the method of award.

- (4) Contracts Up to \$10,000 ~~\$5,000~~. Contracts of any type for which the contract price does not exceed \$10,000 ~~\$5,000~~ without a record of the method of award.

If the amendment is adopted the staff will still solicit quotes from appropriate bidders, vendors or contractors, but may make a direct appointment or purchase without doing so.

The enclosed ordinance has been drafted for City Council consideration.

OPTIONS

- A. Do Nothing. Leave small procurement limit at \$5,000. The City staff is required to solicit three competitive quotes for all work over \$5,000.
- B. Adopt the Amendment to Chapter 3.04.080.F.4.

RECOMMENDATION

Adopt Ordinance No. 959 Amending SMC Chapter 3.04.080.F.4 to increase the small procurement limit from \$5,000 to \$10,000.

MOTION:

- A. Do Nothing. No motion is necessary.
- B. To Adopt Ordinance No. 959 as presented (or as modified).

ORDINANCE NO. 959

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE CHAPTER 3.04 “STAYTON PUBLIC CONTRACTING CODE”.

WHEREAS, the 2013 Oregon Legislature approved and the Governor signed HB 2212 to increase from \$5,000 to \$10,000 the maximum amount of procurement that qualifies as a “small procurement” under Oregon’s Public Contracting Code;

WHEREAS, small procurements may be awarded by a public contracting agency in any manner that is practical or convenient and for the benefit of the public;

WHEREAS, the small procurement amount has not been raised since 1993; and

WHEREAS, HB 2212 was effective on June 26, 2013;

WHEREAS, Stayton Municipal Code (SMC) Chapter 3.04 “Stayton Public Contracting Code” adopts public contracting rules for the City of Stayton that are consistent with Oregon’s Public Contracting Code; and

WHEREAS, the City Council finds that it is appropriate to raise the small procurement limit in SMC Chapter 3.04 from \$5,000 to \$10,000 to be consistent with state law.

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

SECTION 1. Section 3.04.080.F.4 of SMC Chapter 3.04 is hereby amended to read as follows:

- F. Contracts Subject to Award at City Administrator’s Discretion. The following classes of contracts may be awarded in any manner which the City Administrator deems appropriate to the City of Stayton’s needs, including by direct appointment or purchase. Except where otherwise provided, the City Administrator shall make a record of the method of award.
 - (4) Contracts Up to \$10,000. Contracts of any type for which the contract price does not exceed \$10,000 without a record of the method of award.

SECTION 2. Non-Emergency Ordinance. This ordinance is a non-emergency ordinance and will take effect 30 days after enactment of the City Council and approval by the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this _____ day of _____, 2013.

CITY OF STAYTON

Signed: _____

By: _____
A. Scott Vigil, Mayor

ATTEST

Signed: _____

By: _____
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



MEMORANDUM

TO: Mayor Vigil and the Stayton City Council

FROM: Rich Sebens, Chief of Police

SUBJECT: An Ordinance Amending the Stayton Municipal Code Title 10 Chapters 10.04, 10.08, 10.12, and 10.16 Relating to Vehicles and Traffic

DATE: September 3, 2013

ISSUE:

Whether or not to adopt an ordinance to amend the Stayton Municipal Code (SMC) Title 10 Chapters 10.04, 10.08, 10.12, and 10.16, Relating to Vehicles and Traffic.

STAFF RECOMMENDATION:

Council approval.

BACKGROUND INFORMATION:

Council requested staff find a solution to issues related parking trailers on the street. In updating Title 10 to reflect the parking changes, staff found several other issues that were out of date and needed to be updated. The following updates were made:

- **SMC Title 10, Section 10.04:** Amended to fix out of date or unneeded definitions. The changes made to definitions were done to reflect other uses in the SMC or in the Oregon Revised Statutes (ORS).
- **SMC Title 10, Section 10.08:** This section was amended to update a reference manual used in the Planning and Development Department.

- **SMC Title 10, Section 10.12:** Amended to simplify and reflect language to assist with parking enforcement. Also, unused sections were removed. Vehicle parking size was changed to reflect newer, larger vehicle styles due to auto manufacturing changes in recent years. The issue of trailers being left on the street for long periods of time was fixed by not allowing unattached trailers to be left on the street. A few exceptions were also included.
- **SMC Title 10, Section 10.16:** This section was updated to bring the SMC into compliance with the ORS.
- **Additional Changes:** Each section was SMC Title 10 was updated to remove any reference to specific ORS sections because these change from time to time. Specific fee amounts were also removed as they are submitted each year to City Council as part of the Fees Resolution.

FISCAL/RESOURCE IMPACT:

N/A

FACTS AND FINDINGS:

N/A

OPTIONS:

1. Move to enact Ordinance No. 958 relating to Stayton Municipal Code Title 10, sections 10.04, 10.08, 10.12, and 10.16 as presented.
2. Move to enact Ordinance No. 958 relating to Stayton Municipal Code Title 10, sections 10.04, 10.08, 10.12, and 10.16 as amended.
3. Modify the proposed Ordinance to be brought back for consideration
4. Reject the proposed Ordinance.

ORDINANCE NO. 958

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 10, CHAPTERS 10.04, 10.08, 10.12, and 10.16 RELATING TO VEHICLES AND TRAFFIC.

WHEREAS, the City of Stayton City Council presently requested staff amend Title 10 to address issues related to parking on the City Streets and while amending Title 10, City staff found numerous housekeeping clarifications that needed to be addressed in the Stayton Municipal Code (“SMC”);

WHEREAS, SMC Title 10.04 General Provisions had several definitions that were outdated and needed to be updated;

WHEREAS, SMC Title 10.08.120 Administration and Enforcement had a small portion that needed to be revised stating when a revision was made;

WHEREAS, SMC Title 10.12 Stopping, Standing, and Parking regulates parking on the city streets. The Stayton City Council requested this SMC be revised to address concerns regarding citizens leaving trailers on the street;

WHEREAS, SMC Title 10.12 sets size limits for on street parking. These size limits were out of date for current passenger vehicle sizes;

WHEREAS, SMC Title 10.12 needed several “housekeeping” language issues revised;

WHEREAS, SMC Title 10.16 needed several “housekeeping” language issues resolved; and

WHEREAS, it is the City’s desire to amend Title 10.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code 10 Chapter .04, .08, .12, .16 relating to Vehicles and Traffic is amended to read as set forth in Exhibit A., attached hereto as incorporated herein; replacing and superseding the current text of SMC Title 10 Chapter .04, .08, .12, .16.

SECTION 2. Non-emergency. Upon enactment by the Stayton City Council and the Mayor’s signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL this _____ day of _____, 2013.

CITY OF STAYTON

Signed: _____

By: _____

A. Scott Vigil, Mayor

ATTEST

Signed: _____

By: _____

Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

CHAPTER 10.04
GENERAL PROVISIONS

SECTIONS

- 10.04.010 ~~Cite~~
- 10.04.020 Definitions
- 10.04.030 Oregon Vehicle Code Adopted: Applicability

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10.04.010 CITATION

This ~~Title~~ may be cited ~~and referred to as~~ the City of Stayton Traffic Code. (Ord. 667, section 1[part], 1989)

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10.04.020 DEFINITIONS

~~The words and phrases defined and used in the Oregon Revised Statutes are hereby adopted and shall be so defined and used in this code unless defined differently below.~~
~~Except where the context clearly indicates a different meaning, the following words or phrases mean: (Ord. 874, section 30, 2004)~~

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1. **BUS STOP:** A roadway space designated by sign for use by buses to load or unload passengers.

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2. **BUSINESS DISTRICT:** ~~An area designated as a Commercial Zone or Downtown Zone pursuant to Section 17.16.020 of the Stayton Municipal Code (SMC).~~

Deleted: 6. **MOTOR TRUCK:** A motor vehicle that is primarily designed or used for carrying loads other than passengers.¶

3. **COSTS:** The expense of removing, storing, and selling an impounded vehicle.

Deleted: 8. **MOTOR VEHICLE:** A vehicle that is self-propelled or designed for self-propulsion.¶

4. **HOLIDAY:** New Year's Day, Independence Day, Labor Day, Memorial Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the governing body to be a holiday.

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5. **LOADING ZONE:** A roadway space designated by sign for loading or unloading passengers or materials during specified hours or specified days.

Deleted: 9. **OWNER:** When referring to the owner of a vehicle means:¶
¶ a. The person who holds the certificate of title and the registration of a vehicle and who is entitled to possession and use of the vehicle; or¶
¶

====Section Break (Continuous)====

b. If the certificate of title, registration and right to possession and use of a vehicle belong to different persons, the person, other than a security interest holder or lessor, entitled to possess and use the vehicle under a security agreement or a lease that has a term of ten (10) or more successive days.¶

~~6. **PARK:** To stand, stop, or to cause or permit to remain stopped any vehicle or combination of vehicles, or any portion thereof, whether occupied or not, on any public street, public off-street parking facility, or other public right-of-way, including sidewalks, except such stops as are made in response to legal controls or requirements, conditions created by other traffic, emergencies related to the operation of the vehicle during the actual period of such emergency, or temporary~~

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stops for the purpose of and while actually engaged in loading or unloading property or passengers.

~~7.~~ **PERSON:** A natural person, firm, partnership, association, or corporation.

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~~8.~~ **PUBLIC PROPERTY:** Includes any property in the city owned by or dedicated to the city, and shall also include areas commonly used for public parking, whether owned by the city or not.

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~~9.~~ **STREET:** Alley, highway, roadway, or throughway, including the entire width of the right-of-way. (Ord. 874, section 31, 2004).

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~~10.~~ **TAXICAB STAND:** A roadway space designated by sign for taxicab use.

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~~11.~~ **TRAFFIC LANE:** That area of the roadway used for a single line of traffic movement.

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~~12.~~ **VEHICLE:** As used in this Title, includes bicycles. (Ord. 667, section 1[part], 1989)

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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 thereunder. (Ord. 874, section 32, 2004)

2. If any section or sections of the above described laws are hereafter declared to be invalid, unconstitutional, or unenforceable as regards the city of Stayton or the jurisdiction of the municipal court, it shall not affect any other section of the SMC. (Ord. 667, section 1[part], 1989)

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TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.08

ADMINISTRATION AND ENFORCEMENT

SECTIONS

- 10.08.110 Administration: Council Authority
- 10.08.120 Administration: Police Chief Authority
- 10.08.130 Authority to Direct Traffic: Public Danger
- 10.08.140 Basis of Traffic Regulations and Standards
- 10.08.150 Authority of Police and Fire Officers

10.08.110 ADMINISTRATION: COUNCIL AUTHORITY

1. Subject to state laws, the Council shall exercise all municipal traffic authority for the City, except those powers specifically and expressly delegated herein or by another section of this Title.
2. The powers of the Council shall include, but not be limited to:
 - a. Designation of through streets
 - b. Designation of one-way streets
 - c. Designation of truck routes
 - d. Designation of bicycle routes
 - e. Designation of parking meter zones
 - f. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
 - g. Authorization of greater maximum weights or lengths for vehicles using City streets than specified by state law.
 - h. Initiation of proceedings to change speed zones.
 - i. Revision of speed limits in parks. (Ord. 667, section 1[part], 1989)

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TITLE 10. VEHICLES AND TRAFFIC

10.08.120 ADMINISTRATION: POLICE CHIEF AUTHORITY

The City Council may, by resolution, authorize the Chief of Police or designate to exercise the following duties:

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1. ~~Enforce~~ ordinances, resolutions, and motions of the Council and ~~the Chief's~~ own orders by installing, maintaining, removing, and altering traffic control devices. Installation shall be based on standards contained in the ~~most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements.~~ (Ord. 874, section 33, 2004)

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2. Establish, remove, or alter the following classes of traffic controls:

- a. Crosswalks, safety zones, and traffic lanes.
- b. Intersection channelization and areas where vehicle drivers shall not make right, left, or u-turns and the time when the prohibition applies.
- c. Parking areas and time limitations including the form of permissible parking (e.g., parallel or diagonal).

3. Issue oversize or overweight vehicle permits.

4. Temporarily close or block streets. (Ord. 667, section 1[part], 1989)

10.08.130 AUTHORITY TO DIRECT TRAFFIC: PUBLIC DANGER

Under conditions constituting a danger to the public, the Police Chief or designate may install temporary traffic control devices (or procedures) deemed to be necessary ~~for the~~ public safety. (Ord. 667, section 1[part], 1989)

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10.08.140 BASIS OF TRAFFIC REGULATIONS AND STANDARDS

The regulations of the Police Chief or designate shall be based upon:

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- 1. Traffic engineering principles and traffic investigations.
- 2. Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- 3. Other recognized traffic control standards. (Ord. 667, section 1[part], 1989)

TITLE 10. VEHICLES AND TRAFFIC

10.08.150 AUTHORITY OF POLICE AND FIRE OFFICERS

1. It is the duty of police officers to enforce the provisions of this traffic code.
2. In the event of a fire or other public emergency, officers of the police department and fire district may direct traffic as conditions require, notwithstanding the provisions of this chapter. (Ord. 667, section 1[part], 1989)
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)

TITLE 10. VEHICLES AND TRAFFIC

10.12.260

PARKING CITATION: FORFEITURES

1. **Bail Forfeiture within 30 Days of Violation:** Before midnight of the thirtieth day following the date of the alleged violation, any person charged with a violation of the Stayton Traffic Code or applicable state statute may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount stated in the 'Fees and Charges' resolution set by City Council for the following offenses:

Overtime Parking	SMC 10.12.240
Wrong Direction	ORS 811.570 (1)
Parking within 20' of Crosswalk	ORS 811.550(17)
Parking within 10' of Fire Hydrant	ORS 811.550(16)
Parking within 50' of Traffic Control Device	ORS 811.550(18)
Displaying for Sale	SMC 10.12.310
Displaying Advertising	SMC 10.12.310
Loading Zone	SMC 10.12.340
Parking on Sidewalk	ORS 811.550(4)
Blocking Driveway	ORS 811.550(15)
Parking on Bicycle Lane/Path	ORS 811.550(23), 811.550(24)
Parking in Alley	SMC 10.12.240
No Parking Zone	SMC 10.12.240
Disabled Person Zone	ORS 811.615(1)
Parking Within Intersection	ORS 811.550(5)
Double Parking	ORS 811.550(3)
Unlawful Vehicle Storage	SMC 10.40.950
Unlawful Repairing, Servicing	SMC 10.12.260
Other	

2. **Bail Forfeiture 31 to 60 days from day of Violation:** After the period set forth in Subsection (1) of this section, and before midnight of the sixtieth day following the date of the alleged offense, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If paid after the designated time, the amount doubles the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$20.00.

3. **Bail Forfeiture 61 days or more from date of Violation:** After the period set forth in Subsection (2) of this section, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If paid after the designated time, the amount is four times the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$40.00 and a \$20.00 fee would become \$80.00.

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Deleted: for the alleged violation is:¶
¶ a. . \$10.00 (Ten dollars), then the forfeiture shall be \$20.00 (Twenty dollars).¶
¶ b. . \$20.00 (Twenty dollars), then the forfeiture shall be \$40.00 (Twenty Forty dollars).¶
¶ c. . \$50.00 (Fifty dollars), then the ... [1]
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TITLE 10. VEHICLES AND TRAFFIC

4. **Court's Discretion:** The judge hearing municipal ordinance matters may, in the exercise of the Court's discretion and where it is deemed cause to exist thereof in a particular case, remit all or any portion of the forfeiture set forth in this section.

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5. **Effect of Forfeiture Deposit Not Accompanied by Answer:** Whenever a person charged with a violation of Stayton Traffic Code or applicable state statute makes a forfeiture deposit in the sum fixed pursuant to 10.12.260, but does not enter an answer either personally or in writing, such deposit shall be deemed an answer of "no contest," except that, if the deposit is accompanied by a writing which does not specifically state an answer, the municipal judge may, in the Court's discretion, treat the writing as either an answer of "no contest" or an answer of denial, depending on the tenor of the defendant's statement as to the material facts of the alleged violation, or may require that the defendant enter a specific answer within seven (7) days, failure to enter which shall be deemed an answer of "no contest."

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6. **Plea of Defendant:** Any person charged with a violation of Stayton Traffic Code or applicable state statute shall plead according to the options set forth by Oregon Revised Statute as stated on the reverse of the Oregon Uniform Traffic Citation and Complaint form.

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a. Appearing before the municipal judge and entering the plea in open court;

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b. Entering the plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail pursuant to SMC Section 10.12.260;

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c. Depositing bail without a specific plea as provided in Section 10.12.260.

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7. **Powers of Court Upon 'No Contest' Plea:** Upon entry of a plea of "no contest" as provided in SMC Section 10.12.260, subsection 5, the Court may consider any oral or written statement given by the defendant, and may, on its own motion and in the interest of justice, order the charge dismissed and any bail returned to the defendant. Unless the Court dismisses the charge, the Court shall enter a judgment of conviction upon a plea of "no contest." (Ord. 732, §4, October 1994)

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10.12.270

PARKING CITATION: IMPOUNDMENT OF VEHICLES FOR FAILURE TO COMPLY

When a vehicle is found parked in violation of SMC 10.12.210 through 10.12.320 or applicable state statute and the vehicle has five (5) or more outstanding citations or \$100 or more in unpaid fines, any officer charged with the enforcement of this Title pursuant to SMC Section 10.08.150 may, in addition to or in lieu of issuing a parking citation, cause such vehicle to be impounded pursuant to this section and SMC Section 10.16.400, and an impounded vehicle shall not be released until all outstanding fines and charges are paid. (Ord. 667, section 1[part], 1989)

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TITLE 10. VEHICLES AND TRAFFIC

10.12.280 PARKING CITATION: OWNER RESPONSIBILITY

The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent. (Ord. 667, section 1[part], 1989)

10.12.290 PARKING CITATION: REGISTERED OWNER PRESUMPTION

In a prosecution of a vehicle owner charged with a violation of a parking restriction in this title or applicable state law, proof that at the time of the alleged violation the vehicle was registered with the appropriate vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that the defendant was the owner in fact. (Ord. 667, section 1[part], 1989)

10.12.300 EXTENSION OF PARKING TIME

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking. (Ord. 667, section 1[part], 1989)

10.12.310 PARKING FOR CERTAIN PURPOSES PROHIBITED

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

1. Displaying the vehicle for sale; or,
2. Repairing or servicing the vehicle except while making repairs necessitated by an emergency; or,
3. Displaying temporary advertising from the vehicle; or,
4. Selling merchandise from the vehicle except when authorized by the City Council. (Ord. 667, section 1[part], 1989)

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10.12.320 RESERVED

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10.12.330 OBSTRUCTION OF FIREFIGHTING

1. Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers. (Ord. 667, section 1[part], 1989)

Deleted: No lights need be displayed upon a vehicle that is parked in accordance with this traffic code upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle. (Ord. 667, section 1[part], 1989)

TITLE 10. VEHICLES AND TRAFFIC

2. The Stayton Police Department for the purpose of emergency response may have a vehicle towed to a safe location at the owner's expense if the owner cannot be located in a timely manner. The vehicle would be towed under the provisions of a "Hazardous Vehicle" by Stayton Municipal Code.

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10.12.340 LOADING ZONE RESTRICTIONS

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes. (Ord. 667, section 1[part], 1989)

10.12.350 UNATTENDED VEHICLE: AUTHORIZED KEY REMOVAL

The conduct described in Oregon Revised Statutes, "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) In the event a Stayton Police Officer who finds a vehicle in violation of this Title due to the vehicle not being left in a safe circumstance such as the engine left running and/or with the vehicle unlocked, the ignition keys left in the vehicle, or the brake not set on a manual transmission vehicle, the Officer may take the necessary action to secure the vehicle to render it safe. The Officer may secure the vehicle and take the keys until the owner can be located.

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10.12.360 BUSES AND TAXIS: BUSINESS DISTRICT RESTRICTIONS

The operator of a bus or taxicab shall not stand or park such vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers. (Ord. 667, section 1[part], 1989)

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10.12.370 BUSES AND TAXIS: RESTRICTED USE OF STANDS BY OTHER VEHICLES

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 667, section 1[part], 1989)

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for the alleged violation is:

- a. \$10.00 (Ten dollars), then the forfeiture shall be \$20.00 (Twenty dollars).
- b. \$20.00 (Twenty dollars), then the forfeiture shall be \$40.00 (Twenty Forty dollars).
- c. \$50.00 (Fifty dollars), then the forfeiture shall be \$100.00 (One hundred dollars).

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and before midnight of the thirtieth day following the date of the alleged offense,

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If the amount under Subsection (1) of this section for the alleged violation is:

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- a. \$ 10.00 (Ten dollars), then the forfeiture shall be \$40.00 (Forty dollars).
- b. \$20.00 (Twenty dollars), then the forfeiture shall be \$80.00 (Eighty dollars).
- c. \$50.00 (Fifty dollars), then the forfeiture shall be \$200.00 (Two hundred dollars).

TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.16

TOWING, STORAGE AND IMPOUNDMENT OF VEHICLES

SECTIONS

- 10.16.400 Impoundment and Disposition of Vehicles: General Regulations
- 10.16.410 Impoundment and Storage by Private Towing Firm
- 10.16.420 Post-Towing Notice to Owner
- 10.16.430 Reasonable Storage Charge
- 10.16.440 Hearing Procedure
- 10.16.450 Owner Reclaiming Vehicle
- 10.16.460 Appraisal of Unclaimed Vehicles
- 10.16.470 Disposition of Motor Vehicle
- 10.16.480 Reserved
- 10.16.490 To Be Held at Expense of Owner

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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)
2. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this title.
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 hearing officer (See ORS 809.716). This subsection applies to the following [Oregon Revised Statute](#) offenses:

(a) Driving while suspended or revoked

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(b) Driving while under the influence of intoxicants

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(c) Operating without driving privileges or in violation of license restrictions

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(d) Driving uninsured (Ord. 806 Nov. 1999; Ord. 812, April 2000; Ord. 839, March 2002; Ord. 870, September 20, 2004; Ord. 874, section 38, 2004)

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TITLE 10. VEHICLES AND TRAFFIC

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)
5. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner. (Ord. 839, March 2002)
6. A vehicle abandoned, as defined by state law in relation to abandon vehicles, is subject to removal and sale in accordance with provisions of state law. (Ord. 839, March 2002)
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. (Ord. 839, March 2002; Ord. 874, section 38, 2004)
8. Vehicles removed and impounded pursuant to SMC Section 10.12.270 shall be taken to a public garage or other suitable place for storage of the vehicle, and kept until released or otherwise disposed of pursuant to this section.
 - a. The owner of the vehicle, or any person authorized by the owner to act on the owner's behalf, may redeem the vehicle pursuant to the procedures of SMC Sections 10.16.410 through 10.16.490.
 - b. A motor vehicle so impounded shall be held and, if not lawfully redeemed, shall be disposed of as provided in the Oregon Revised Statutes. A certificate of sale referenced therein shall contain the following notice:

The City of Stayton makes no warranty as to the condition or title of the above-described vehicle. In the event this sale shall for any reason be invalid, the liability of the City is limited to return of the purchase price. (Ord. 667, section 1[part], 1989; Ord. 839, March 2002)
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)

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10.16.410 IMPOUNDMENT AND STORAGE BY PRIVATE TOWING FIRM

TITLE 10. VEHICLES AND TRAFFIC

- 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 Stayton City Council shall by resolution 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)
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- 2. Where a private towing contractor is used, the following conditions shall apply:
 - a. The City shall not be liable for services rendered by a private towing service from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the City deducts its expenses, unless the City is the purchaser of the vehicle.
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 - b. The vehicle shall not be released from the private towing service except upon a receipt, signed by the Police Chief, proffered by the purchaser.
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- 3. A towing service firm which, at the request of the City, takes a vehicle into custody shall have a lien on the vehicle and its contents for the just and reasonable towing charges, may retain possession of the vehicle and its contents until the charges are paid, and may cause the vehicle and its contents to be sold at public auction pursuant to SMC Section 10.16.470. If the appraised value of the vehicle is \$750 or less, the vehicle and its contents shall be disposed of in the manner provided in SMC Section 10.16.480. (Ord. 667, section 1[part], 1989)
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10.16.420 POST-TOWING NOTICE TO OWNER

- 1. If a motor vehicle is taken into the custody of the City, the Chief of Police shall make reasonable efforts to ascertain the names and addresses of the registered owner and the legal owner, if any, and the person entitled to possession.
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 - Deleted: chief
 - Deleted: police
- 2. If the names and addresses of such owners or persons entitled to possession or either of them can be ascertained, the Chief of Police shall cause notice to be mailed within forty-eight (48) hours of the date of recovery, addressed to the registered owner of the vehicle and a similar letter addressed to the legal owner, if any. Such notice shall include the following information:
 - Deleted: chief
 - Deleted: police
- a. The statute or code or rule under which the vehicle has been taken into custody or removed;
 - Deleted: ordinance
- b. The location where the vehicle may be redeemed by the owner or person entitled to possession upon satisfactory proof of ownership or right to possession;

TITLE 10. VEHICLES AND TRAFFIC

- c. That a lien has arisen on the vehicle in favor of the person who towed the vehicle for just and reasonable towing and storage charges;
 - d. The amount of any fines or bail which must be paid or posted pursuant to [SMC Section 10.12.260](#);
 - e. The date after which the vehicle will be subject to public sale;
 - f. That a hearing on the validity of the tow and on the creation and amount of the lien may be had if requested within five (5) days of mailing of the notice;
 - g. That the costs of hearing may be assessed against the vehicle owner.
3. Actual notice of a tow may be given personally to the owner or person entitled to possession. Such actual notice must include all the information required under Subsection 2. of this section. Actual notice may be used in lieu of the mailed notice required by Subsection 2. (Ord. 667, section 1[part], 1989)

10.16.430 REASONABLE STORAGE CHARGE

The maximum charge per day for storage of a motor vehicle towed and stored by the [City in a City owned location](#) is [set by "Fees and Charges" Resolution each July](#), (Ord. 874, section 41, 2004)

Deleted: city

Deleted: \$15.00

10.16.440 HEARING PROCEDURE

- 1. Upon written request of the legal owner or the registered owner or any other person who reasonably appears to have an interest in the vehicle, delivered to the court [having jurisdiction over municipal ordinance or SMC matters](#), a hearing shall be held before the judge [hearing municipal ordinance or SMC matters](#). The written request shall state the grounds upon which the person requesting the hearing believes that the removal and custody of the vehicle is not justified.
- 2. The hearing shall be set and conducted within two (2) regular court days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests. At the hearing the owner may contest:
 - a. The validity of the action of the enforcement officer in taking the vehicle into custody;
 - b. The reasonableness of the charge set for towing and storage of vehicle. Towing and storage charges set by ordinance or by contract entered into

Deleted: municipal

Deleted: municipal

TITLE 10. VEHICLES AND TRAFFIC

pursuant to ordinance are presumed to be reasonable for the purpose of this section;

- 3. The City shall have the burden of showing the validity of the taking of the vehicle; Deleted: city

- 4. At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle as provided by SMC Section 10.08.152 by depositing with the City security in the form of cash in an amount sufficient to cover costs of removing and storage and any fines or bails owed pursuant to SMC Section 10.12.340. Deleted: city

- 5. If the judge hearing municipal ordinance matters finds that: Deleted: municipal
 - a. The action of the city in taking the vehicle into custody was proper, the judge hearing municipal ordinance or SMC matters shall enter an order supporting the removal and may assess costs of the hearing against the person requesting the hearing. Deleted: municipal

 - b. The action of the enforcement officer in taking the vehicle into custody was invalid, the judge shall:
 - i. Order the vehicle released to the owner;

 - ii. Find that the owner is not liable for any towing or storage charges occasioned by the taking;

 - iii. Order the City to satisfy the towing and storage lien. Deleted: city

- 6. If the person requesting the hearing does not appear at the scheduled hearing, the judge hearing municipal ordinance or SMC matters may enter an order supporting the removal and assessment of towing and storage costs and apply any security posted against such costs. Deleted: municipal

- 7. The action of the judge hearing municipal ordinance or SMC matters pursuant to this section is final. (Ord. 667, section 1[part], 1989) Deleted: municipal

10.16.450 OWNER RECLAIMING VEHICLE

The legal owner, registered owner, or person entitled to possession of an unclaimed vehicle may reclaim such vehicle Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays, after the vehicle is taken into custody, and before it is sold, upon presentation of satisfactory proof of ownership or right of possession to the Stayton Police Department and payment of an impoundment fee and storage charges or Deleted: -

TITLE 10. VEHICLES AND TRAFFIC

posting of security is made as required under this chapter. (Ord. 667, section 1[part], 1989) If redemption is not made after the vehicle is impounded, such vehicle shall be disposed of in accordance with provisions of State Law. (Ord. 806, Nov. 1999)

Deleted: within thirty days
Deleted: the

10.16.460 APPRAISAL OF UNCLAIMED VEHICLES

Within ten (10) days of any motor vehicle coming into the custody of the City for any reason, the Chief of Police shall cause such vehicle to be appraised by a person possessing a valid appraiser certificate under state law. (Ord. 667, section 1[part], 1989)

Deleted: city
Deleted: chief
Deleted: police

10.16.470 DISPOSITION OF MOTOR VEHICLE

Vehicles that have been unclaimed may be disposed of in accordance with the procedures set by Oregon Revised Statutes.

Deleted: VALUED GREATER THAN \$750

10.16.480 RESERVED

10.16.490 TO BE HELD AT EXPENSE OF OWNER

Except as provided in SMC 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)

Deleted: Any motor vehicle appraised at a value greater than \$750.00 under Section 10.16.460 and not redeemed for a period of thirty (30) days after the date of mailing notice pursuant to Section 10.16.430, or the taking of the vehicle into the custody of the city, whichever is later, may be disposed of by the chief of police in accordance with ORS 819.210 to 819.260. (Ord. 667, section 1[part], 1989) ¶
NOTE: ORS 819.210 and ORS 819.215 provide a different procedure for vehicles appraised at \$500 or less. ORS 819.210 address sale of vehicles by auction. ORS 819.220-819260 have been repealed. ¶
10.16.480 DISPOSITION OF MOTOR VEHICLE APPRAISED AT \$750 OR LESS ¶
-----Section Break (Continuous)-----
Any motor vehicle appraised at a value of \$750.00 or less under Section 10.16.470 and which remains unclaimed and unredeemed for a period of thirty (30) days after the date of mailing of notice pursuant to Section 10.16.430 or the taking of the vehicle into custody by the city, whichever is greater, may be disposed of in accordance with ORS 819.210 215to ORS 819.260. No such vehicle shall be sold or transferred to any person without first requiring such person comply with the provisions of and execute the forms required by ORS 819.220. (Ord. 667, section 1[part], 1989)

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Deleted: city

August 12, 2013

Scott Vigil, Mayor
City of Stayton

Dear Scott

When I move here in 2002 to take the job of Library Director, I purchased my house on 6th street because it was one block from Pioneer Park. As a member of PALs, I have helped keep the park clean by picking up litter.

I visit the park with my dog at least once a day and spend weekends there with my grandchildren.

I would be honored if you would consider me for the open position on the Parks Board.

Thank you



Pam Pugsley
552 N. 6th Avenue
Stayton
503 769-0270.

*Comment Forms
and Other
Documents
Distributed at the
Council Meeting*



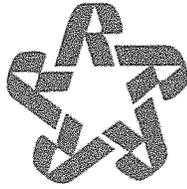
REPUBLIC SERVICES

City of Stayton

Non-charge Collection Services

City of Stayton Non-charge Collection Services:				
	Cart/ Container Type	Qty x Service	Current Rate for Service	Annualized
1820 N 1st ST:	4yd FL	1x 2 weeks	\$ 130.58	\$ 1,566.96
	90g RC	1 x 2 weeks	\$ 37.35	\$ 448.20
716 Park RD:	4 yd FL	1 x 1 week	\$ 261.15	\$ 3,133.80
Community Center 400 W Virginia ST:	4yd FL	1 x 1 week	\$ 261.15	\$ 3,133.80
Library 515 N 1st ST:	90g garb	1 x 1 week	\$ 37.35	\$ 448.20
	3-90g RC	3 x 2 weeks	\$ 10.00	\$ 120.00
Police 385 N 3rd Ave:	3yd FL	1 x 1 week	\$ 209.00	\$ 2,508.00
	2-90g RC	2 x 2 weeks	\$ 5.00	\$ 60.00
Chamber of Commerce 175 E High ST:	90g garb	1 x 1 week	\$ 37.35	\$ 448.20
	90g RC	1 x 2 weeks	\$ -	\$ -
Waste Water Plant 950 N Jettens Way:	35g garb	1 x 1 week	\$ 17.10	\$ 205.20
	90g RC	1 x 2 weeks	\$ -	\$ -
Total				\$ 12,072.36

9/3/2013



REPUBLIC SERVICES

City of Stayton

Savings Realized by Converting to Bi-Weekly Yard Debris Service

Conversion to Weekly Yard Debris Service	
<i>Number of Residential Customers</i>	1,942
<i>Decreased Annual Routes (change from Weekly to EOW)</i>	26
<i>Number of Hours Per Decreased Route</i>	8.0
Total Decreased Annual Hours	208
<i>Decreased Labor Costs Per Hour (Wages, Taxes, Benefits, Uniforms)</i>	\$ 38.69
<i>Decreased Repairs & Maintenance Per Hour</i>	\$ 13.01
<i>Decreased Vehicle Operating Costs Per Hour (Fuel, Oil, ODOT Mile Taxes)</i>	\$ 15.70
<i>Decreased Insurance Expense Per Hour</i>	\$ 6.94
Total Decreased Costs Per Hour	\$ 74.34
Total Decreased Costs	\$ 15,462
Decreased Cost Per Customer Per Year	\$ 7.96
Decreased Cost Per Customer Per Month	\$ 0.66
<i>This scenario could decrease the RESIDENTIAL rate adjustment from 5.0% to 2.5% OR decrease ALL lines of business rate adjustments from 5.0% to 3.75%</i>	

The conversion to bi-weekly yard debris service would lessen the effect of the rate adjustment request to the average customer in the following ways:

- \$0.32/month on average for residential customers
- \$1.41/month on average for commercial customers
- \$2.03/haul on average for industrial customers

9/3/2013



REPUBLIC SERVICES

City of Stayton

Savings Realized by Reducing Franchise Fee

- The City has established a 5% franchise fee on the revenue Republic Services bills all residential, commercial and industrial customers. The amount of this fee is included in the rates Republic Services charges customers for service.
- The annual franchise fee now collected by Republic Services from residential, commercial and industrial customers is \$65,000.
- The annual franchise fee collected by Republic Services from all customers after the requested rate adjustment will be \$73,000.
- One percent of the total revenue after approval of our request for a rate adjustment is \$13,300.
- Every 1% Republic can reduce the rate adjustment request equals about:
 - \$0.26/month on average for residential customers
 - \$1.13/month on average for commercial customers
 - \$1.62/haul on average for industrial customers

9/3/2013



*Republic Services of Marion County
2013 Rate Proposal
Proposed rates, effective 9/1/13*





Republic Services of Marion County
 City of Stayton
 Proforma Statement of Income
 2010 through 2012 actuals and projected 2013

	2010	2011	% Change	2012	% Change	2013 Projected No Rate Change	% Change	2013 Projected With Proposal	% Change	2013 Projected With Rate Proposal	% Change	12 month Annualized with Proposed Rate Change	% Change
Revenue	1,156,933	1,280,420	10.7%	1,394,941	8.9%	1,394,941	0.0%	1,416,027	1.5%	1,416,027	1.5%	1,458,200	4.5%
Cost of Operations	881,320	962,606	9.2%	1,067,432	10.9%	1,090,050	2.1%	1,091,105	2.2%	1,091,105	2.2%	1,093,213	2.4%
Gross Profit	275,613	317,815	15.3%	327,509	3.1%	304,891	-6.9%	324,923	-0.8%	324,923	-0.8%	364,986	11.4%
Salaries, General and Administrative	130,063	153,221	17.8%	158,967	3.8%	161,351	1.5%	161,351	1.5%	161,351	1.5%	161,351	1.5%
Gross Income	145,550	164,594	12.9%	168,542	2.3%	143,539	-14.8%	163,571	10.4%	163,571	10.4%	203,635	24.5%
Provision for Income Taxes	58,220	65,838	13.1%	67,417	2.3%	57,416	-13.4%	65,429	3.5%	65,429	3.5%	81,454	24.4%
Net Income / % of Revenue	87,330	98,756	12.9%	101,125	2.3%	86,124	-13.4%	98,143	9.3%	98,143	9.3%	122,181	24.4%
Income as a Percentage of Revenue	7.5%	7.7%		7.2%		6.2%		6.9%		6.9%		8.4%	



Republic Services of Marion County
 City of Stayton
 Proforma Schedule of Direct Expenses
 2010 through 2012 actuals and projected 2013

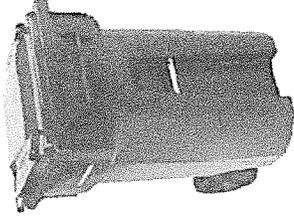
	2010	2011	% Change	2012	% Change	2013 Projected No P.I.	% Change	2013 Projected With Proposal	% Change
COST OF OPERATIONS									
Labor	217,558	245,525	11.4%	270,401	10.1%	277,161	2.5%	277,161	2.5%
Repairs and Maintenance	77,294	74,682	-3.5%	96,340	29.0%	98,170	1.9%	98,170	1.9%
Vehicle Operating Costs	67,603	80,433	16.0%	101,042	25.6%	102,961	1.9%	102,961	1.9%
Facility	46,318	49,878	7.1%	61,412	23.1%	62,579	1.9%	62,579	1.9%
Insurance	35,277	36,326	2.9%	38,331	5.5%	38,481	3.0%	39,481	3.0%
Disposal	313,469	328,232	4.5%	361,234	10.1%	366,652	1.5%	366,652	1.5%
Franchise Fees	57,348	60,023	4.5%	65,529	9.2%	65,529	0.0%	66,583	1.6%
Other Operating Costs	9,575	5,767	-66.0%	388	-93.3%	395	1.9%	395	1.9%
Depreciation	56,878	81,739	30.4%	72,756	-11.0%	77,122	6.0%	77,122	6.0%
TOTAL COST OF OPERATIONS	881,320	962,606	8.4%	1,067,432	10.9%	1,090,050	2.1%	1,091,105	2.2%
TOTAL SALARIES, GENERAL & ADMINISTRATIVE	130,063	153,221	15.1%	156,967	3.8%	161,351	1.5%	161,351	1.5%



REPUBLIC SERVICES

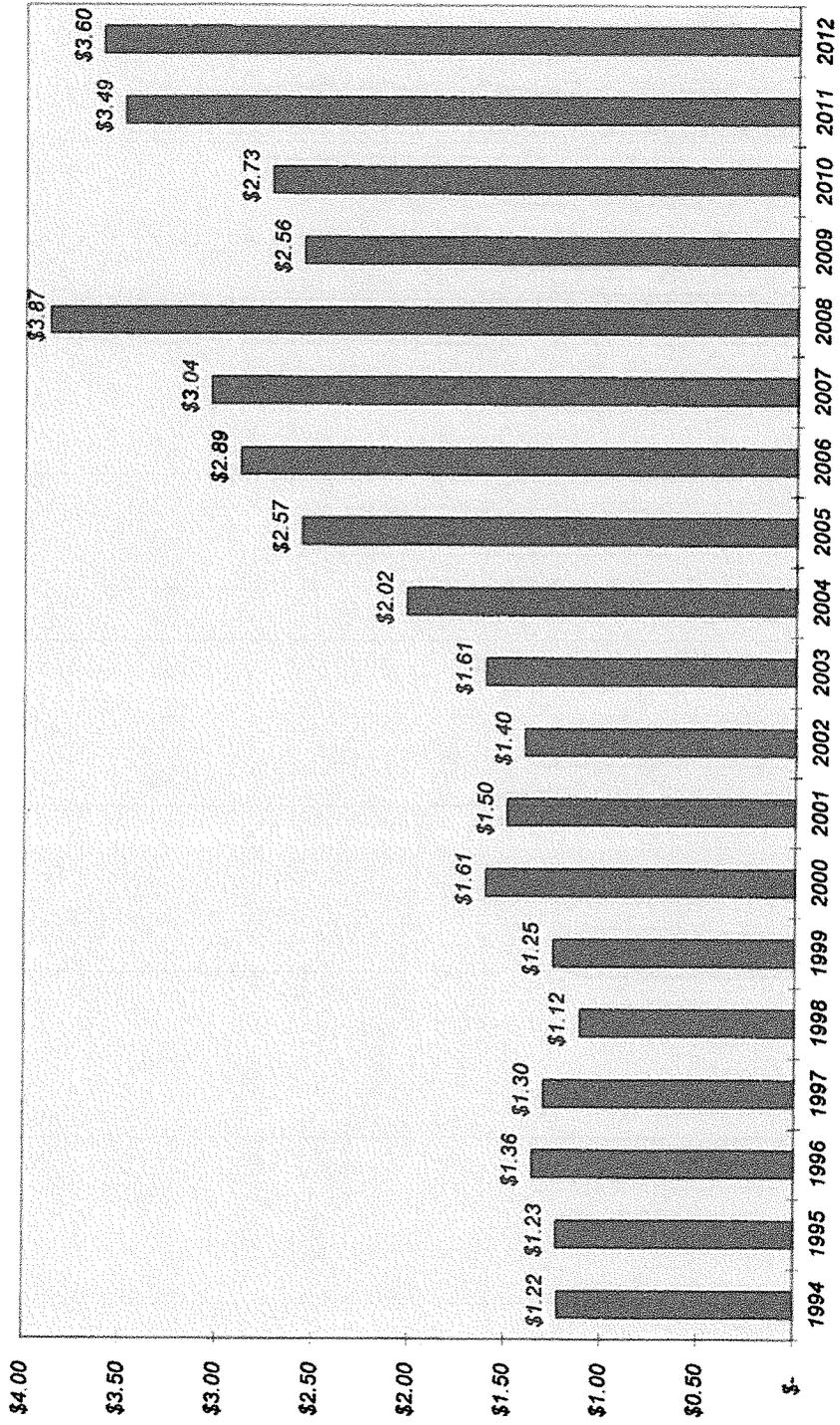
What does \$1 of garbage service pay for?

\$1 paid toward your monthly service	\$ 1.00
Disposal	\$ 0.26
Labor	\$ 0.19
Repairs & Maintenance	\$ 0.07
Fuel	\$ 0.07
Insurance	\$ 0.03
Franchise Fees	\$ 0.05
Customer Service Costs	\$ 0.11
Truck & Container Replacement	\$ 0.05
Facility Expenses	\$ 0.04
Miscellaneous	\$ 0.00
Income Taxes	\$ 0.05
Net Profit	<u>\$ 0.07</u>



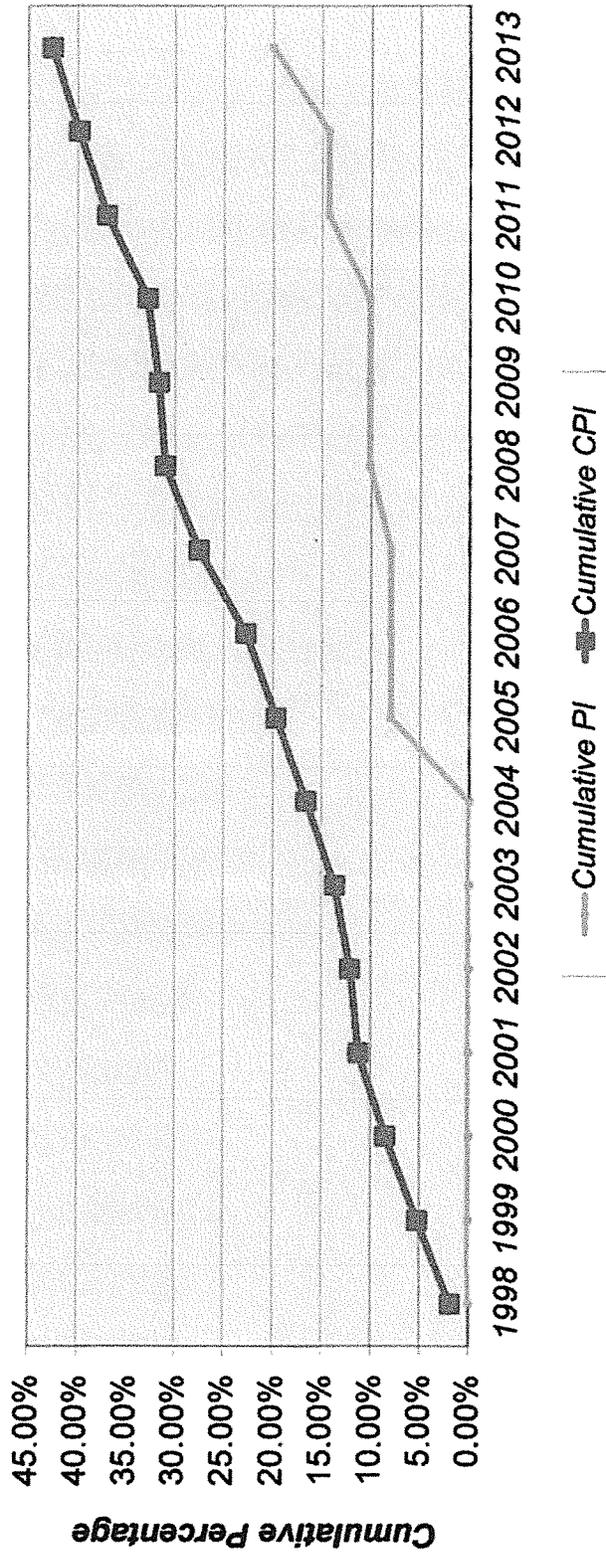


Average Diesel Fuel Price Per Gallon 1994 - 2012





Cumulative Price Increases v. Inflation - 1998-2013 (projected)





Republic Services - City of Stayton

2013 Rate Proposal

Proposed rates, effective 9/1/13

	Quantity	Current	Proposed	% Change	\$ Change
Residential Cart Rates					
20 gallon	298	\$ 19.80	\$ 20.79	5.0%	\$ 0.99
35 gallon	1,145	\$ 23.30	\$ 24.47	5.0%	\$ 1.17
65 gallon	397	\$ 31.70	\$ 33.29	5.0%	\$ 1.59
90 gallon	102	\$ 35.50	\$ 37.28	5.0%	\$ 1.78
Commercial Rates					
35 gallon	31	\$ 17.10	\$ 17.96	5.0%	\$ 0.86
65 gallon	25	\$ 28.20	\$ 29.61	5.0%	\$ 1.41
90 gallon	49	\$ 37.35	\$ 39.22	5.0%	\$ 1.87
1 yard	21	\$ 90.10	\$ 94.61	5.0%	\$ 4.51
1.5 yard	27	\$ 111.85	\$ 117.44	5.0%	\$ 5.59
2 yard	29	\$ 147.10	\$ 154.46	5.0%	\$ 7.36
3 yard	30	\$ 209.00	\$ 219.45	5.0%	\$ 10.45
4 yard	14	\$ 261.15	\$ 274.21	5.0%	\$ 13.06
5 yard	1	\$ 302.50	\$ 317.63	5.0%	\$ 15.13
6 yard	8	\$ 335.50	\$ 352.28	5.0%	\$ 16.78
8 yard	4	\$ 439.30	\$ 461.27	5.0%	\$ 21.97
Industrial Rates					
10 yard	50	\$ 161.70	\$ 169.79	5.0%	\$ 8.09
20 yard	48	\$ 161.70	\$ 169.79	5.0%	\$ 8.09
30 yard	138	\$ 161.70	\$ 169.79	5.0%	\$ 8.09
40 yard	127	\$ 161.70	\$ 169.79	5.0%	\$ 8.09

STAYTON RATE SHEET AREA-4

COMMERCIAL RATES

Line of business: 11

SIZE	COMM. CART	EXTRA TRIP(EXT)
35 gallon	\$17.10	\$19.28
65 gallon	\$28.20	\$22.05
90 gallon	\$37.35	\$24.34
CBB	\$6.00	
Add. Rec cart	\$5.00	
Yard cart	\$10.50	

*1x90gal RC cart per customer at no charge w/garbage service.
 *Request to change or switch container:\$35.00
 *Contamination fee: \$10.00 (applies to all commodities)
 *Cardboard: \$0,available w/weekly garbage service
 *Return trip fee: \$15.00/trip

SIZE	ONE X/WEEK	TWO X/ WEEK	EXTRA TRIP (EXT)	EACH ADD. PICK UP PER WEEK	EXTRA YARDAGE (EXY):
1 yard	\$90.10	\$170.00	\$37.53	\$90.10	\$25.00
1.5 yard	\$111.85	\$223.70	\$42.96	\$111.85	
2 yard	\$147.10	\$294.20	\$51.78	\$147.10	
3 yard	\$209.00	\$418.00	\$67.25	\$209.00	
4 yard	\$281.15	\$522.30	\$80.29	\$281.15	
5 yard	\$302.50	\$605.00	\$90.63	\$302.50	
6 yard	\$335.50	\$671.00	\$98.88	\$335.50	
8 yard	\$439.30	\$878.60	\$124.83	\$439.30	

*PULL OUT RATE: \$17.00/month, per cont.

*Compacted containers charged @ 3 X's loose rate
 *Extra p/u-off route return: monthly rate/4 plus \$15

TEMPORARY CONTAINERS-FL

SIZE	TOTAL	DISPOSAL	DELIVERY	EXY
3 yard	\$119.50	\$79.50	\$40.00	\$25.00

RENT: \$5.00/DAY, \$25.00/MONTH (charged 7 days from delivery date)

FRF (Fuel Recovery Fee): baseline rate is \$4.00, increases with each .25 cent increment of the average fuel rate for the most recent fiscal quarter, for comm is is .78 per .25 increase in fuel rate, *only applies to garbage services, this is a monthly fee.*

*A late fee of 18% per annum with a :
 monthly minimum will be charged for
 non-payment after 45 days from invoice

STAYTON RATE SHEET AREA-4

INDUSTRIAL-DROP BOX RATES

LOB: 21 *All boxes C.O.D

Rent charge (after 4 days): Day: \$8.50 Month: \$85.00 (infopro \$152.08)
--

Dry run charge: \$35.00 Screen box, per haul: \$35.00 Relocate, per box: \$35.00
--

Driver time port to port, \$125/hour (one person, one truck)
Driver time port to port, \$170/hour (two persons, one truck)

<u>Compactors (customer supplies box):</u> Haul = \$6.20/yard minimum 25 yards plus disposal @ 111% + mileage from burner (beyond 5 mile radius from burner)
--

*Concrete/brick/dirt only in 10 yards-must be clean, can have rebar inside concrete-concrete/brick/dirt must be placed in box, not dropped.

SIZE	TOTAL	DELIVERY	HAUL	DISPOSAL	FRF
*weight limit is 10 tons/ 20,00 pounds					
10 yard*					
GARBAGE	\$297.90	\$35.00	\$161.70	\$101.20	
WOOD	\$196.70	\$35.00	\$161.70	*	
COMPOST	\$254.70	\$35.00	\$161.70	\$5.80 yd	
CONCRETE/BRICK/ DIRT	\$216.70	\$35.00	\$161.70	\$2.00 yd	
METAL	\$196.70	\$35.00	\$161.70	*	
SHEETROCK	\$246.70	\$35.00	\$161.70	\$5.00 yd	
20 yard*					
GARBAGE	\$399.10	\$35.00	\$161.70	\$202.40	
WOOD	\$196.70	\$35.00	\$161.70	*	
COMPOST	\$312.70	\$35.00	\$161.70	\$5.80 yd	
SHEETROCK	\$296.70	\$35.00	\$161.70	\$5.00 yd	
30 yard*					
GARBAGE	\$500.30	\$35.00	\$161.70	\$303.60	
WOOD	\$196.70	\$35.00	\$161.70	*	
COMPOST	\$370.70	\$35.00	\$161.70	\$5.80 yd	
SHEETROCK	\$346.70	\$35.00	\$161.70	\$5.00 yd	
40 yard*					
GARBAGE	\$601.50	\$35.00	\$161.70	\$404.80	
WOOD	\$196.70	\$35.00	\$161.70	*	
COMPOST	\$428.70	\$35.00	\$161.70	\$5.80 yd	
SHEETROCK	\$396.70	\$35.00	\$161.70	\$5.00 yd	

*refer to operations manager for market fluctuations

FRF (Fuel Recovery Fee): baseline rate is \$2.75, increases with each .25 cent increment of the average fuel rate for the most recent fiscal quarter, for comm is 1.09(per haul) per .25 increase in fuel ratet--this is a per haul fee, every commodity.

STAYTON RATE SHEET AREA-4

RESIDENTIAL RATES

Pick-up dates: Monday through Friday
 Included with service weekly: Trash and 65 Yard Debris
 Every other week: 90g Commingle Recycling/Bin

SIZE	PKG PRICE	NO COMMINGL CART	ADD. YARD CART
20 gallon			
REGULAR	\$19.80	\$17.95	\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			
35 gallon			
REGULAR	\$23.30		\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			
65 gallon			
REGULAR	\$31.70		\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			
90 gallon			
REGULAR	\$35.50		\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			

Return fee: \$15.00
 On-call pick-up: \$10.00
 Sharps: \$14.30
 Recycle only: \$5.50/month (90g Cart/Bin)
 Extra can/bag/box: \$5.00
 Premium drive-in service (per cart): N/A
 Request to change or switch container: \$15.00 (after allowed one change @ n/c)
 RC or Yard cart contamination fee: \$10.00/cart
 Senior discount upon approval: N/A

A late fee of 18% per annum with a \$5.00 monthly minimum will be charged for non-payment after 45 days from invoice date.

FRF (FUEL RECOVERY FEE): baseline fuel rate is \$4.00.
 Increases with each .25 cent increment of the average fuel rate for the most recent fiscal quarter, for resi it is .09 cents per .25 cent increase in fuel rate
 only for garbage service, this is a monthly fee.

MFC Apts & Mobile Home Parks
 (4 or more adjoining units, all on one billing)

SIZE	PRICE	90gRC& 65g YD
20 gallon	\$16.50	\$16.85
20 gallon	\$16.50	\$16.85
35 gallon	\$19.95	\$20.30
65 gallon	\$27.75	\$28.30
90 gallon	\$31.30	\$31.95



STAYTON RATE SHEET

PROPOSED RATES

INDUSTRIAL-DROP BOX RATES

***All boxes C.O.D**

Rent:

charges apply 4 days from delivery date

<u>Temporary:</u>	<u>Permanent:</u> (more than two hauls/month)
Day:\$10.00	Day:\$6.00
Month: \$125.00	Month: \$90.00

Dry run charge: \$50.00
Screen box, per haul: \$35.00
Relocate, per box: \$40.00
Overweight: \$125.00 (per box)
Liner: \$40.00 (per liner)

Driver time port to port, \$125/hour (one person, one truck)
Driver time port to port, \$170/hour (two persons, one truck)

Compactors (customer supplies box):
Haul =\$6.20/yard minimum 25 yards
plus disposal @ 111% + mileage from burner (beyond 5 mile radius from burner)

**Concrete/brick/dirt only in 10 yards-must be clean, can have rebar inside concrete-concrete/brick/dirt must be placed in box, not dropped.*

SIZE	TOTAL	DELIVERY	HAUL	DISPOSAL	FRF
*weight limit is 10 tons/ 20,00 pounds					
GARBAGE					
10 yard*	\$306.00	\$35.00	\$169.80	\$101.20	
20 yard*	\$407.20	\$35.00	\$169.80	\$202.40	
30 yard*	\$508.40	\$35.00	\$169.80	\$303.60	
40 yard*	\$609.60	\$35.00	\$169.80	\$404.80	

FRF (Fuel Recovery Fee): baseline rate is \$4.00, increases with each .25 cent increment of the average fuel rate for the most recent fiscal quarter, for comm is is 1.09(per haul) per .25 increase in fuel ratet--this is a per haul fee, every commodity.

A late fee of 18% per annum with a \$5.00 monthly minimum will be charged for non-payment after 45 days from invoice date.

Service Interrupt Fee: \$25.00



STAYTON RATE SHEET

PROPOSED RATES

COMMERCIAL RATES

SIZE	COMM. CART	EXTRA TRIP(EXT)
35 gallon	\$17.95	\$19.49
65 gallon	\$29.60	\$22.40
90 gallon	\$39.20	\$24.80
CBB	\$6.00	
Add. Rec cart	\$5.00	
Yard cart	\$10.50	

A late fee of 18% per annum with a \$5.00 monthly minimum will be charged for non-payment after 45 days from invoice date.

Service Interrupt Fee: \$25.00

*Extra trip (EXT)-OFF ROUTE: 1/4 monthly rate + \$12.00 (round to the nearest \$.05)

1x90gal RC cart per customer at no charge w/garbage service.
 Request to change or switch container:\$35.00
 Contamination fee: \$10.00 (applies to all commodities)
 Cardboard: \$0,available w/weekly garbage service
 Return trip fee: \$25.00/trip
 Re-delivery of cart or container due to non-payment: \$25.00
 (per cart set/per container)

SIZE	ONE X/WEEK	TWO X/ WEEK	EXTRA TRIP (EXT)	EACH ADD. PICK UP PER WEEK
1 yard	\$94.60	\$170.00	\$38.65	\$94.60
1.5 yard	\$117.45	\$234.90	\$44.36	\$117.45
2 yard	\$154.45	\$308.90	\$53.61	\$154.45
3 yard	\$219.45	\$438.90	\$69.86	\$219.45
4 yard	\$274.20	\$548.40	\$83.55	\$274.20
5 yard	\$317.65	\$635.30	\$94.41	\$317.65
6 yard	\$352.30	\$704.60	\$103.08	\$352.30
8 yard	\$461.30	\$922.60	\$130.33	\$461.30

*PULL OUT RATE: \$17.00/month, per cont.

*Compacted containers charged @ 3 X's loose rate

*Extra p/u-off route return: monthly rate/4 plus \$15

EXTRA YARDAGE (EXY):
\$25.00/yard

TEMPORARY CONTAINERS-FL

SIZE	TOTAL	DISPOSAL	DELIVERY
3 yard	\$120.00	\$79.50	\$40.50

RENT: \$5.00/DAY, \$25.00/MONTH (charged 7 days from delivery date)

FRF (Fuel Recovery Fee): baseline rate is \$4.00, increases with each .25 cent increment of the average fuel rate for the most recent fiscal quarter, for comm is is .78 per .25 increase in fuel rate, only applies to garbage services, this is a monthly fee.



STAYTON RATE SHEET

PROPOSED RATES

RESIDENTIAL RATES

Pick-up dates: Wednesday
 Included with service weekly: Trash and 65 Yard Debris
 Every other week: 90g Commingle Recycling/Bin

SIZE	PKG PRICE	NO RECYCLE CART	ADD. YARD CART
20 gallon			
REGULAR	\$20.80	\$18.85	\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			
35 gallon			
REGULAR	\$24.50		\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			
65 gallon			
REGULAR	\$33.30		\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			
90 gallon			
REGULAR	\$37.30		\$6.30
NON-CURB			
HARDSHIP			
OWN CAN			

Return fee: \$20.00
 On-call pick-up: \$10.00
 Sharps: \$14.30
 Recycle only: \$9.00/month (90g Cart/Bin)
 Extra can/bag/box: \$5.65
 Premium drive-in service (per cart): N/A
 Request to change or switch container: \$15.00
 (after allowed one change @ n/c)
 RC or Yard cart contamination fee: \$10.00/cart
 Senior discount upon approval: N/A
 Re-delivery due to non-payment: \$25.00 (per cart set)

FRF (FUEL RECOVERY FEE):baseline fuel rate is \$4.00,
 increases with each .25 cent increment of the average fuel
 rate for the most recent fiscal quarter, for resi it is .09 cents
 per .25 cent increase in fuel rate
only for garbage service, this is a monthly fee.

A late fee of 18% per annum with a \$5.00
 monthly minimum will be charged for
 non-payment after 45 days from invoice
 date.
 Service Interrupt Fee: \$25.00

MFC Apts & Mobile Home Parks

(4 or more adjoining units, all on one billing)

SIZE	PRICE	YD
20 gallon	\$17.30	\$17.70
35 gallon	\$20.95	\$21.30
65 gallon	\$29.15	\$29.70
90 gallon	\$32.85	\$33.55

SCRIPT TO BE READ AT COMMENCEMENT OF PUBLIC HEARING

Good evening, I am the Mayor, Scott Vigil, and I will be presiding over this hearing. This is the time and place set for the public hearing in the matter of Land Use File #9-06/13, a legislative amendment to the Land Use and Development Code regarding the procedures and standards for amendments to the Comprehensive Plan, the Comprehensive Plan Map, the Land Use Code, and the Official Zoning Map.

This hearing is now open.

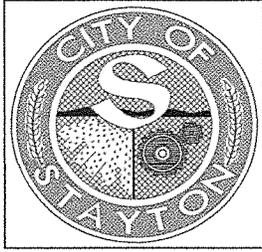
A copy of the proposed amendment is available at the back counter. Also at the back counter is the agenda for this evening's meeting, which lays out the order in which people will be called on to speak during the public hearing, the City Council's Rules of Procedure for Land Use Public Hearings, and a brochure written to facilitate your participation in the public hearing. You are encouraged to obtain and read a copy of these documents as well.

At this time I would ask the audience if there are any objections to the notice that was provided for this hearing. I hear none (if there are none). To the jurisdiction of this body to hear and consider this case? I hear none (if there are none). Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body? I hear none (if there are none).

We are now ready for the staff report.

CLOSING STATEMENT

The City Council's decision may be appealed to the Land Use Board of Appeals within 21 days in accordance with ORS 197.830.



MEMORANDUM

TO: Mayor Scott Vigil and Stayton City Councilors

FROM: Christine Shaffer, Finance Director

DATE: September 3, 2013

SUBJECT: Community Grant Requests

ISSUE:

Grant Applications have been received requesting Community Grant Funds to support athletics in our community.

BACKGROUND INFORMATION:

The Finance Department has received The following Community Grant Applications.

Stayton Middle School Football \$500.00

North Santiam Assoc., Pop Warner Football \$500.00

Both Grant Applications are to support football programs in our area the Pop Warner program supports children between the age of 5 and 14. Both programs are asking for support to purchase protective equipment for the player.

FISCAL IMPACT:

The balance in the Community Grant fund is \$500.00.

OPTIONS:

1. Award Community Grants as directed by the City Council.
2. Do not award a Community Grant funds at this time



City of Stayton Community Grant Application

RECEIVED
AUG 29 2013
CITY OF STAYTON

Date of Application: 8-30-13
Application Submitted to: _____

ORGANIZATION INFORMATION

Name of organization: Stayton Middle School Football
Legal name, if different: _____
Address: 1021 Shuff Rd
City, State, Zip: Stayton, OR
Phone: 503 769 2198 Fax: _____ Website: _____
Contact person regarding this application: John Burton
Title: Head Coach Phone: 503 999 4111 E-mail: Bu.Burton.JSHC@gmail.com

Is your organization an IRS 501(c)(3) not for profit? _____ Yes No

PROPOSAL INFORMATION

Please type a 1 page summary of request and attach it to this application, along with program or agency annual budget.

Population Served: _____

If your Agency has previously received grant funds from the City of Stayton, please list the year and amount of grant funds received.

Funds are being requested for (check one)
 General operating support _____ Project/program support
 Start-up costs _____ Technical assistance
_____ Capital _____ Other (please specify) _____

Project dates (if applicable): Football Season
Fiscal year end: 2013

BUDGET

Dollar amount requested: \$ 500.00
Total annual organization budget: \$ _____
Total project budget: \$ 3,000
Operating: _____

AUTHORIZATION

Name and title of top paid staff or board chair:

Name

Position
Signature: _____ Date: _____

For office use only:	
Date Received:	Completed:
Proposal:	Approved: _____ Yes _____ No

City of Stayton Signature: _____

City Administrator (staff report to be forwarded to City Council for approval)



Stayton Middle School Football Fundraising



The Stayton Middle School Football program is focused on teaching boys the many benefits of tackle football. The coaches and school district are committed to providing Stayton youth with a solid foundation that will facilitate growth into quality individuals. We strongly believe that team sports are a great way to build character, self-esteem, sportsmanship, and leadership. Youth who participate in sports generally perform better in school, are more likely to have a positive impact on fellow students and in their community.

As with all youth sports organizations, financial support is a challenge. The annual costs of providing the appropriate protective and training equipment is increasing. The parents and students that play football for Stayton Middle School have identified equipment deficiencies that require the support of the community to help provide adequate equipment and help the program succeed. We want each student that wants to play football for Stayton Middle School to have good quality, effective protective equipment. The school district provides equipment but due to a lack of funds caused by budgetary constraints cannot replace the current equipment. We are asking the community to help us raise enough money to replace practice pants and pads, game pants and jerseys, additional protective equipment and practice aids. As an example, a \$20.00 donation would buy one pair of practice pants equipped with the necessary protective pads.

We have set a goal of \$3000.00 in order to meet the current needs of the program. We appreciate all the support that the community already provides the schools. We ask for donations of any dollar amount. As noted above, a \$20.00 donation would buy one pair of practice pants equipped with the necessary protective pads. We anticipate participation for the 7th and 8th grade football to be approximate 60 boys. Your donation is greatly appreciated.

Quality youth programs are an asset to our community. Through your support we are able to ensure a successful season. We strongly encourage you to come out to watch our games to see your investment in action.

Thank you for taking the time to consider donating to the Stayton Middle School Football program. Donations made by check can be made out to "Stayton Middle School Football" and sent or dropped off at the middle school.

Sincerely,

John Burton, 8th Grade Asst. Coach and Football Parent



City of Stayton Community Grant Application

RECEIVED
AUG 29 2013
CITY OF STAYTON

Date of Application: 8-30-13
Application Submitted to: _____

ORGANIZATION INFORMATION

Name of organization: North Santiam Association
Legal name, if different: Mid Valley Pop Warner
Address: P.O. Box 592
City, State, Zip: Sublimity, OR 97385
Phone: _____ Fax: _____ Website: _____
Contact person regarding this application: _____
Title: _____ Phone: _____ E-mail: _____

Is your organization an IRS 501(c)(3) not for profit? Yes No
179379-96

PROPOSAL INFORMATION

Please type a 1 page summary of request and attach it to this application, along with program or agency annual budget.

Population Served: _____

If your Agency has previously received grant funds from the City of Stayton, please list the year and amount of grant funds received.

Funds are being requested for (check one)

- General operating support
- Start-up costs
- Capital
- Project/program support
- Technical assistance
- Other (please specify) _____

Project dates (if applicable): _____
Fiscal year end: _____

BUDGET

Dollar amount requested: \$ 500.00
Total annual organization budget: \$ _____
Total project budget: \$ _____
Operating: _____

AUTHORIZATION

Name and title of top paid staff or board chair:

Name

Position

Signature: _____ Date: _____

For office use only:	
Date Received:	Completed:
Proposal:	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No

City of Stayton Signature: _____

City Administrator (staff report to be forwarded to City Council for approval)

Dear City Council,

The Pop Warner Association has 6 teams with 16 to 24 kids on a team. This year they are short 2 sponsors. Pop Warner Association does not own their own equipment. The sponsor funds allow them to rent the equipment needed for the football season and since they are short 2 sponsors, they do not have all of the required equipment. This year Pop Warner has an opportunity to purchase equipment from the High School Football program at a low cost. This would reduce the amount of equipment they would have to rent each year. Your contribution would help this happen.

2013 SPONSOR OPPORTUNITIES



NORTH SANTIAM ASSOCIATION

PLAYER SPONSORSHIP - \$220 unlimited

This scholarship allows athletes to be involved that financially would be unable to participate. Invest in the life of a future Eagle or Cougar athlete by sponsoring their registration and uniforms fees.

Purchase includes

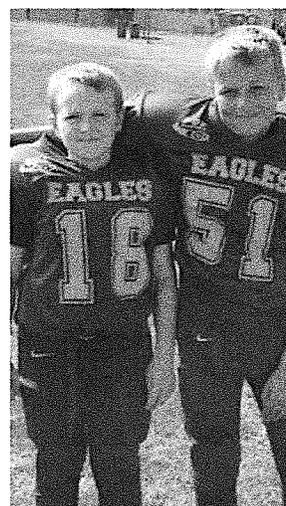
- Company logo on Mid Valley Pop Warner website with contact information and link to your website.
- Promotion on North Santiam Association Facebook page.

TEAM SPONSOR - \$495 5 available

Your company logo will be featured on team jersey for one of the six teams containing from 16 to 24 players.

Purchase also includes:

- Company logo on Mid Valley Pop Warner website with contact information and link to your website.
- Promotion on North Santiam Association Facebook page.
- Sponsor appreciation plaque at end of season.



2013 SPONSOR OPPORTUNITIES

YES - I will be a sponsor for **MidValley Pop Warner North Santiam Association**

CHECK ALL THAT APPLY

_____ Player Scholarship - \$220 EA QTY: _____

_____ Team Sponsor - \$495 EA QTY: _____

_____ Donations (specify amount) \$ _____

Name of Individual or Organization _____

1. Note: List your name as you want it to appear in all ads, on the Website, and on equipment.
2. Please provide a digital graphic logo for your company. Send to: mvpw.northsantiam@gmail.com. Any size or format is acceptable.

Address _____

Contact Person's Name _____

Telephone _____ E-mail _____

Website address: _____

If you would like your sponsorship to benefit a certain player or team, please note below:

Name and/or division _____

Comments:

Enclosed, please find check number _____ in the amount of \$ _____

<p>Made payable to: MidValley Pop Warner PO Box 582 Sublimity, OR 97385</p>	<p>All sponsors will be updated by email as the 2013 season progresses. Thank you for supporting your community through local youth sports.</p>
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MVPW is a 501(c)(3) charitable organization. Our Group Exemption Tax ID number is 179379-96.

To ensure you receive the benefits for which your level of sponsorship qualifies, please return this form along with your payment by **July 29, 2013**. Commitments made after this date are appreciated, but we cannot guarantee that you will receive proper ad recognition due to ad deadlines that we must meet.



NORTH SANTIAM ASSOCIATION

While Pop Warner football has been around for years, the North Santiam Association is only in its third year. We are so excited for the potential impact it can have on the youth of our area. In our 2012 season there were more than 2,000 families involved in Mid Valley Pop Warner. Players' ages range from 5 to 14 years old. Teams are assigned by the student's school district and use their future high school mascots as their own.

MORE THAN JUST ATHLETES!

Pop Warner is the only national youth sports organization in America that requires its participants to be committed in the classroom before permitting them to play. We believe that the standards we set give these children a sense of responsibility and an appreciation for academics and athletics that will help them as they develop into adults.

"LITTLE SCHOLARS AWARDS"

Pop Warner Little Scholars is the only national youth sports organization in America that rewards its members for their outstanding performance in the classroom. These student athletes are measured by their performance off the field. One student from each level is selected to receive an award among their peers with factors like academic excellence and volunteerism within the community being measured. Each year, the most academically accomplished Pop Warner participants compete for Academic All-American status, and are rewarded at the league, regional and national levels.

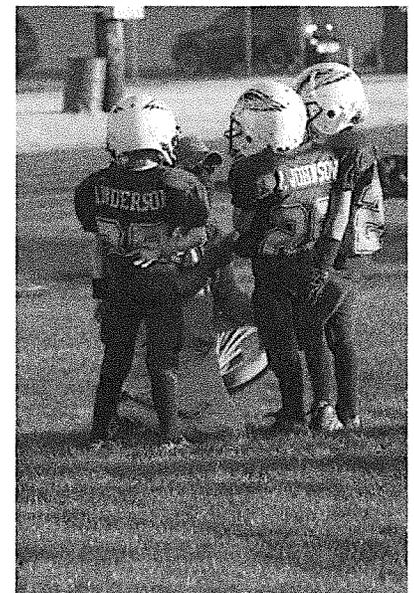
2 Big Events Coming This Year

Punt, Pass, and Kick

MidValley Pop Warner sponsors a two-day season kick off where all league teams participate in scrimmages. Players also do their best to Punt, Pass and Kick to reach their fundraising goals!

Big Smash

MidValley Pop Warner sponsors a two-day event at **Reser Stadium**. The lower divisions play at Reser Stadium along with upper division championships. Other teams play at the Prothro practice facility. This is a great event the players and fans alike look forward to each year.



TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.40

MISCELLANEOUS REGULATIONS

SECTIONS

10.40.1010	Crossing Private Property
10.40.1020	Passenger Restrictions
10.40.1030	Skateboards, Skis, Toboggans, and Sleds: Use Restrictions
10.40.1040	Damaging Sidewalks and Curbs
10.40.1050	Storage of Vehicles on Streets
10.40.1060	Truck Routes

10.40.1010 CROSSING PRIVATE PROPERTY

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property to procure or provide goods or services. (Ord. 667, section 1[part], 1989)

10.40.1020 PASSENGER RESTRICTIONS

1. No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of duty or to a person riding within a truck body in space intended for merchandise.
2. No person shall board or alight from a vehicle while the vehicle is in motion upon a street. (Ord. 667, section 1[part], 1989)

10.40.1030 SKATEBOARDS, SKIS, TOBOGGANS, AND SLEDS: USE RESTRICTIONS

No person shall use the streets for traveling on roller-skates, skateboards, skis, toboggans, sleds, or similar devices except where authorized by the chief of police. (Ord. 667, section 1[part], 1989)

10.40.1040 DAMAGING SIDEWALKS AND CURBS

1. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.
2. No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

TITLE 10. VEHICLES AND TRAFFIC

3. No person shall remove a portion of a curb or move a motor vehicle or device moved by motor vehicle upon a curb or sidewalk without first obtaining authorization and posting a bond if required by ordinance. A person who causes damage shall be held responsible for the cost of repair. (Ord. 667, section 1[part], 1989)

10.40.1050 STORAGE OF VEHICLES ON STREETS

1. Except as otherwise provided in Sections 8.12.610 to 8.12.640 no person shall store or permit to be stored on a street or other public property, a motor vehicle or other personal property for a period in excess of 48 hours. Failure to move a motor vehicle or other personal property for a period of 48 hours constitutes prima facie evidence of storage.
2. Personal property which is stored in violation of the provisions of this title relating to storage of personal property on streets is subject to removal and disposal in accordance with Sections 2.64.1600 to 2.64.1660 of this code. (Ord. 667, section 1[part], 1989)

10.40.1060 TRUCK ROUTES

No person shall operate a vehicle which weighs in excess of fifteen tons (30,000 pounds) gross weight on any street except:

1. When the vehicle is immediately engaged in the maintenance or repair of public or private property, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
2. When the vehicle is being used for the purpose of delivering or picking up materials or merchandise, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
3. When operating a vehicle on a street or a section thereof designated by resolution of the Stayton City Council as a truck route. (Ord. 687, 1991)

TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.12

STOPPING, STANDING AND PARKING

SECTIONS

10.12.210	Applicability of Provisions
10.12.220	Parking Spaces: Use Required
10.12.230	Parking Spaces: Use Priority
10.12.240	Prohibited Parking or Standing
10.12.245	Issuance of Residential Parking Permits
10.12.246	Parking in Residential Permit Parking Zones
10.12.247	Parking Permit Violations
10.12.250	Parking Citation: Issuance
10.12.260	Parking Citation: Forfeitures
10.12.270	Parking Citation: Impoundment of Vehicles for Failure to Comply
10.12.280	Parking Citation: Owner Responsibility
10.12.290	Parking Citation: Registered Owner Presumption
10.12.300	Extension of Parking Time
10.12.310	Parking for Certain Purposes Prohibited
10.12.320	Lights on Parked Vehicles <u>RESERVED</u>
10.12.330	Obstruction of Firefighting
10.12.340	Loading Zone Restrictions
10.12.350	Unattended Vehicle: Authorized Key Removal
10.12.360	Buses and Taxis: Business District Restrictions
10.12.370	Buses and Taxis: Restricted Use of Stands by Other Vehicles

10.12.210 APPLICABILITY OF PROVISIONS

The provisions of this title that regulate the parking or standing of vehicles do not apply to:

1. A city, county, state, or public utility vehicle being used for public works maintenance, construction, or repair work.
2. A vehicle owned by the United States government being used for collection, transportation, or delivery of mail.
3. A vehicle of a disabled person in compliance with ~~ORS 801.235 and ORS 811.602 to 811.637~~ Oregon Revised Statutes. (Ord. 667, section 1[part], 1989; Ord. 874, section 35, 2004)

TITLE 10. VEHICLES AND TRAFFIC

10.12.220 PARKING SPACES: USE REQUIRED

Where parking space markings are placed on a street or public lot, no person shall stand or park a vehicle other than in the indicated direction ~~and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.~~ (Ord. 667, section 1[part], 1989)

10.12.230 PARKING SPACES: USE PRIORITY

The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park within that space, and no other vehicle operator shall attempt to interfere. (Ord. 667, section 1[part], 1989)

10.12.240 PROHIBITED PARKING OR STANDING

No person shall park or stand:

1. A vehicle in violation of the ~~Oregon Vehicle Code~~ Oregon Revised Statutes or in violation of an official parking limitation sign or device.
2. A vehicle in an alley except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material.
3. A motor truck, truck tractor, vehicle or trailer designed to be towed by a truck tractor, or pull trailer vehicle, on a street or parking strip within the city at any time if the motor truck, truck tractor, trailer, or pull trailer, or any combination thereof, is longer than ~~twenty three (23) forty (40) feet, wider than seven eight foot six inches (8 feet ±6 inches ±7) feet, or weighs in excess of four tons (8,000 pounds) twenty six thousand (26,000) Gross Vehicle Weight (GVW), or any vehicle that requires an Oregon Commercial Drivers License except:~~
 - a. When engaged in the delivery or receipt of cargo and when no facilities for the receipt or discharge of the cargo exists except from the street or parking strip; or
 - b. When the person in charge is immediately engaged in the maintenance or repair of public or private property adjacent to a street or parking strip and no off-street parking is reasonably available; or
4. A trailer designed to be pulled by another vehicle that is left unattached from the tow vehicle except:

TITLE 10. VEHICLES AND TRAFFIC

- c. When a vehicle is parked in compliance with a camping permit which has been issued pursuant to ~~SMC section 8.12.630 of this code.~~
 - d. A recreational vehicle or trailer, parked in front of the residence of the owner, for a period not to exceed 72 hours.
 - e. A utility trailer used for the purpose of a temporary construction/landscape project at the location/address it is parked at for a period not to exceed 72 hours.
 - f. A commercially licensed motor truck and/or trailer may be parked on a public street for up to 48 hours in the Industrial Park of Stayton (Rogue Ave, Willamette Ave, and Deschutes Dr.)
4. No person in charge of any ~~motor truck, truck tractor, trailer, vehicle or pull trailer~~ engaged in the delivery or receipt of cargo under the circumstances authorized in subsection 3 of this section shall park in such a manner that any part thereof shall project or be more than fifteen (15) feet into the street when measured at right angles from the face of the curb nearest to the motor truck, truck tractor, trailer, or pull trailer. (Ord. 687, 1991)

10.12.245 ISSUANCE OF RESIDENTIAL PARKING PERMITS

1. A Residential Parking Permit shall be issued by the ~~chief~~ Chief of ~~police~~ Police, or designate, upon application and without charge to the owner or operator of a motor vehicle who resides on property immediately adjacent to a street or other location within a residential permit parking zone.
2. The application for the permit shall contain the name of the owner or operator of the motor vehicle, residential address, and the motor vehicle's make and model. The owner or operator of any motor vehicle applying for a residential parking permit shall have a current and valid Oregon vehicle registration unless it is not legally required. The permit shall be renewed annually upon such conditions and procedures as the chief of police shall specify.
3. The ~~chief~~ Chief of ~~P~~Police is authorized to issue temporary residential parking permits to bona fide visitors at residences in designated residential parking zones. (Ord. 726, February 1994. ●1)

10.12.246 PARKING IN RESIDENTIAL PERMIT PARKING ZONES

TITLE 10. VEHICLES AND TRAFFIC

1. The holder of a residential parking permit which is properly displayed shall be permitted to stand or park the permitted motor vehicle operated by him in the appropriately designated residential parking zone.
2. While a motor vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible in the vehicle's lower driver's side portion of the front windshield.
3. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit parking zone. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in a parking meter zone or in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than parking in a residential parking permit zone. (Ord. 726, February 1994. ●2)

10.12.247 PARKING PERMIT VIOLATIONS

It shall be unlawful for:

1. Any person to who represents they are a person who is entitled to a residential parking permit when not so entitled to one:
2. Any person who fails to surrender a permit when the person is no longer entitled to it:
3. Any person who parks a vehicle displaying a residential parking permit at any time when that person is not entitled to it:
4. Any person to park in a designated residential permit parking zone without displaying a permit issued pursuant to this title. (Ord. 726, February 1994. '3)
- ~~1. Any person to represent that that person is entitled to a residential parking permit when not so entitled.~~
- ~~2. Any person, to fail to surrender a residential parking permit to which that person is no longer entitled.~~
- ~~3. Any person or to park a vehicle displaying such a residential parking permit at any time when the holder of such permit is not entitled to it.~~
- ~~4. Any person to park in a designated residential permit parking zone without displaying a permit issued pursuant to this title. (Ord. 726, February 1994. ●3)~~

TITLE 10. VEHICLES AND TRAFFIC

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 221.233~~ Oregon Revised Statutes may be issued and the original thereof filed with the ~~parking citation clerk, City of Stayton, and the~~ who shall retain the citation as ex-officio clerk of and subject to the direction of the municipal court with jurisdiction over municipal ordinance matters. (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)

10.12.260 PARKING CITATION: FORFEITURES

1. **Bail Forfeiture within 30 Days of Violation:** Before midnight of the thirtieth day following the date of the alleged violation, any person charged with a violation of the Stayton ~~traffic~~-Traffic code-Code or applicable state statute may, without personal appearance before the ~~municipal judge~~ hearing municipal ordinance matters, make a forfeiture deposit in the amount stated in the "Fees and Charges" resolution set by City Council for the following offenses: ~~shown on the citation charging such offense, which amount shall be for an alleged violation of Stayton traffic code or applicable state statute, as follows:~~

Overtime Parking	\$10	SMC 10.12.240
Wrong Direction	\$10	ORS 811.570 (1)
Parking within 20' of Crosswalk	\$10	ORS 811.550(17)
Parking within 10' of Fire Hydrant	\$10	ORS 811.550(16)
Parking within 50' of Traffic Control Device	\$10	ORS 811.550(18)
Displaying for Sale	\$10	SMC 10.12. 260 310
Displaying Advertising	\$10	SMC 10.12. 260 310
Loading Zone	\$20	SMC 10.12. 290 340
Parking on Sidewalk	\$20	ORS 811.550(4)
Blocking Driveway	\$20	ORS 811.550(15)
Parking on Bicycle Lane/Path	\$20	ORS 811.550(23), 811.550(24)
Parking in Alley	\$20	SMC 10.12.240
No Parking Zone	\$50	SMC 10.12.240

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Disabled Person Zone	\$50	ORS 811.615(1)
Parking Within Intersection	\$50	ORS 811.550(5)
Double Parking	\$50	ORS 811.550(3)
Unlawful Vehicle Storage	\$50	SMC 10.40.950
Unlawful Repairing, Servicing	\$50	SMC 10.12.260
Other	\$20	

2. **Bail Forfeiture 31 to 60 days from day of Violation:** After the period set forth in Subsection (1) of this section, and before midnight of the sixtieth day following the date of the alleged offense, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If paid after the designated time, the amount doubles the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$20.00.

~~for the alleged violation is:~~

~~a. \$10.00 (Ten dollars), then the forfeiture shall be \$20.00 (Twenty dollars).~~

~~b. \$20.00 (Twenty dollars), then the forfeiture shall be \$40.00 (Twenty Forty dollars).~~

~~c. \$50.00 (Fifty dollars), then the forfeiture shall be \$100.00 (One hundred dollars).~~

3. **Bail Forfeiture 61 days or more from date of Violation:** After the period set forth in Subsection (2) of this section, ~~and before midnight of the thirtieth day following the date of the alleged offense,~~ any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If paid after the ~~set~~ designated time, the amount is four times the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$40.00 and a \$20.00 fee would become \$80.00. ~~If the amount under Subsection (1) of this section for the alleged violation is:~~

~~a. \$ 10.00 (Ten dollars), then the forfeiture shall be \$40.00 (Forty dollars).~~

~~b. \$20.00 (Twenty dollars), then the forfeiture shall be \$80.00 (Eighty dollars).~~

~~c. \$50.00 (Fifty dollars), then the forfeiture shall be \$200.00 (Two hundred dollars).~~

4. **Court's Discretion:** The judge hearing municipal ordinance matters may, in the exercise of ~~his~~ the Court's discretion and where ~~he~~ it is deemed cause to exist thereof in a particular case, remit all or any portion of the forfeiture set forth in this section.

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5. **Effect of Forfeiture Deposit Not Accompanied by Answer:** Whenever a person charged with a violation of Stayton ~~traffic~~ Traffic code Code or applicable state statute makes a forfeiture deposit in the sum fixed pursuant to 10.12.260, but does not enter ~~his~~ an answer either personally or in writing, such deposit shall be deemed an answer of "no contest," except that, if the deposit is accompanied by a writing which does not specifically state an answer, the municipal judge may, in ~~his~~ the Court's discretion, treat the writing as either an answer of "no contest" or an answer of denial, depending on the tenor of the defendant's statement as to the material facts of the alleged violation, or may require that the defendant enter a specific answer within seven (7) days, failure to enter which shall be deemed an answer of "no contest."
6. **Plea of Defendant:** Any person charged with a violation of Stayton ~~traffic~~ Traffic code Code or applicable state statute shall plead ~~either guilty, not guilty, or no contest to the charge by~~ according to the options set forth by Oregon Revised Statute as stated on the reverse of the Oregon Uniform Traffic Citation and Complaint form.
- a. Appearing before the municipal judge and entering ~~his~~ the plea in open court;
- b. Entering ~~his~~ the plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail pursuant to ~~Stayton Traffic Code~~ SMC Section 10.12.260;
- c. Depositing bail without a specific plea as provided in ~~Stayton Traffic Code~~ Section 10.12.260.
7. **Powers of Court Upon 'No Contest' Plea:** Upon entry of a plea of "no contest" as provided in ~~Stayton Traffic Code~~ SMC Section 10.12.260, subsection ~~5b~~, the Court may consider any oral or written statement given by the defendant, and may, on its own motion and in the interest of justice, order the charge dismissed and any bail returned to the defendant. Unless the Court dismisses the charge, the Court shall enter a judgment of conviction upon a plea of "no contest." (Ord. 732, ~~4~~, October 1994)

10.12.270 PARKING CITATION: IMPOUNDMENT OF VEHICLES FOR FAILURE TO COMPLY

When a vehicle is found parked in violation of ~~Stayton Traffic Code~~ SMC 10.12.210 through 10.12.320 or applicable state statute and the vehicle has five (5) or more outstanding citations or \$100 or more in unpaid fines, any officer charged with the enforcement of this ~~chapter~~ Title pursuant to ~~Stayton Traffic Code~~ SMC Section 10.08.150 may, in addition to or in lieu of issuing a parking citation, cause such vehicle to be impounded pursuant to this section and SMC Section 10.16.400, and an impounded

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vehicle shall not be released until all outstanding fines and charges are paid. (Ord. 667, section 1[part], 1989)

10.12.280 PARKING CITATION: OWNER RESPONSIBILITY

The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent. (Ord. 667, section 1[part], 1989)

10.12.290 PARKING CITATION: REGISTERED OWNER PRESUMPTION

In a prosecution of a vehicle owner charged with a violation of a parking restriction in this title or applicable state law, proof that at the time of the alleged violation the vehicle was registered with the appropriate vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that the defendant was the owner in fact. (Ord. 667, section 1[part], 1989)

10.12.300 EXTENSION OF PARKING TIME

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking. (Ord. 667, section 1[part], 1989)

10.12.310 PARKING FOR CERTAIN PURPOSES PROHIBITED

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

1. Displaying the vehicle for sale; or,
2. Repairing or servicing the vehicle except while making repairs necessitated by an emergency; or,
3. Displaying temporary advertising from the vehicle; or,
4. Selling merchandise from the vehicle except when authorized by the ~~city~~ City Council. (Ord. 667, section 1[part], 1989)

10.12.320 ~~LIGHTS ON PARKED VEHICLES~~ RESERVED

~~No lights need be displayed upon a vehicle that is parked in accordance with this traffic code upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle. (Ord. 667, section 1[part], 1989)~~

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10.12.330 OBSTRUCTION OF FIREFIGHTING

1. Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers. (Ord. 667, section 1[part], 1989)
2. The Stayton Police Department for the purpose of emergency response may have a vehicle towed to a safe location at the owner's expense if the owner cannot be located in a timely manner. ~~for the purpose of emergency response.~~ The vehicle would be towed under the provisions of a "Hazardous Vehicle" by Stayton Municipal Code.

10.12.340 LOADING ZONE RESTRICTIONS

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes. (Ord. 667, section 1[part], 1989)

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~~ City, and applies on any premises open to the public. (Ord. 667, section 1[part], 1989; Ord. 874, section 37, 2004) In the event a Stayton Police Officer who finds a vehicle in violation of this Title due to the vehicle not being left in a safe ~~manner~~ circumstance such as the engine left running and/or with the vehicle unlocked, the ignition keys left in the vehicle, or the brake not set on a manual transmission vehicle, the Officer may take the necessary action to secure the vehicle to render it safe. The Officer may secure the vehicle and take the keys until the owner can be located. ~~to return them if necessary.~~

10.12.360 BUSES AND TAXIS: BUSINESS DISTRICT RESTRICTIONS

The operator of a bus or taxicab shall not stand or park ~~the such~~ vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers. (Ord. 667, section 1[part], 1989)

10.12.370 BUSES AND TAXIS: RESTRICTED USE OF STANDS BY OTHER VEHICLES

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the

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purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 667, section 1[part], 1989)
