



AGENDA STAYTON CITY COUNCIL MEETING

Monday, November 5, 2018

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

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

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.

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.*

CONSENT AGENDA

- a. October 15, 2018 City Council 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 other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.

PUBLIC HEARING

Review of Ordinance No. 1019, Amending SMC Titles 6, 8, and 15, Promoting Maintenance of Buildings and Public Spaces

- a. Commencement of Public Hearing
- b. Staff Report
- c. Questions from the Council
- d. Public Testimony
- e. Questions from the Council
- f. Staff Summary
- g. Close of Hearing
- h. Council Deliberation
- i. Council Decision

UNFINISHED BUSINESS – None

NEW BUSINESS – None

STAFF/COMMISSION REPORTS – None

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 MANAGER

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – November 19, 2018

- a. Village Creek “No Parking” Public Hearing
- b. Neighborhood Improvement Grants
- c. Housing Advisory Commission

ADJOURN

CALENDAR OF EVENTS

NOVEMBER 2018

Monday	November 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 6	Parks & Recreation Board	<i>Cancelled</i>	
Monday	November 12	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY HOLIDAY		
Tuesday	November 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	November 19	City Council	7:00 p.m.	Community Center (north end)
Thursday	November 22	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY		
Friday	November 23			
Monday	November 26	Planning Commission	7:00 p.m.	Community Center (north end)
Wednesday	November 28	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room

DECEMBER 2018

Monday	December 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 4	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	December 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 24	CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Tuesday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Monday	December 31	Planning Commission	7:00 p.m.	Community Center (north end)

JANUARY 2019

Tuesday	January 1	CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS HOLIDAY		
Monday	January 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	January 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	January 8	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Wednesday	January 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 21	CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING DAY		
Tuesday	January 22	City Council	7:00 p.m.	Community Center (north end)
Monday	January 28	Planning Commission	7:00 p.m.	Community Center (north end)

FEBRUARY 2019

Monday	February 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 5	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	February 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	February 18	CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS DAY		
Tuesday	February 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	February 25	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Meeting Action Minutes
October 15, 2018**

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

Time Start: 7:00 P.M.

Time End: 8:00 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Manager
Councilor Mark Kronquist	Dan Fleishman, Director of Planning & Development
Councilor Christopher Molin	Lance Ludwick, Public Works Director (excused)
Councilor Brian Quigley (excused)	Janna Moser, Library Director
Councilor Joe Usselman	Rich Sebens, Chief of Police

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
Presentations / Comments from the Public	None.
Consent Agenda	
a. September 17, 2018 City Council Minutes	Motion from Councilor Kronquist, seconded by Councilor Molin, to approve the consent agenda as submitted. Motion passed 4:0.
Public Hearing	None.
Unfinished Business	None.
New Business	
Intergovernmental Agreement for Bus Shelter	
a. Staff Report – Keith Campbell	Mr. Campbell introduced Ted Stonecliffe of Cherriots Regional who spoke about the proposed agreement for a bus shelter in Stayton.
b. Council Deliberation	Discussion of logistics of the bus within Stayton, maintenance costs, and lifespan of the shelter.
c. Council Decision	Motion from Councilor Kronquist, seconded by Councilor Glidewell, to authorize the City Manager to enter into an intergovernmental agreement with Salem Area Mass Transit for placement of a bus shelter at 1820 N. First Avenue. Motion passed 4:0.
Award of Contract for Consultant Services for Economic Development Strategies	
a. Staff Report – Dan Fleishman	Mr. Fleishman reviewed the staff report.

<p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>Reclassification of Finance Director</p> <p>a. Staff Report – Keith Campbell</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p>	<p>Discussion surrounding the proposed project and consultant.</p> <p>Motion from Councilor Glidewell, seconded by Councilor Molin, to authorize the City Manager to execute a contract with Bridge Economic Development for an amount not to exceed \$98,615.</p> <p><u>Council Discussion</u>: Kronquist requested more updates from the Consultant during the project. Mr. Fleishman will request this of the Consultant.</p> <p>Motion passed 4:0.</p> <p>Mr. Campbell reviewed the staff report.</p> <p>Discussion of current and proposed salary range.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Usselman, to approve the reclassification of the Finance Director position as proposed. Motion passed 4:0.</p>
<p>Staff / Commission Reports</p> <p>Finance Department Report</p> <p>a. September 2018 Monthly Finance Department Report</p> <p>Police Chief’s Report – Chief Rich Sebens</p> <p>a. September 2018 Statistical Report</p> <p>Public Works Director’s Report – Lance Ludwick</p> <p>a. September 2018 Operating Report</p> <p>Planning & Development Director’s Report – Dan Fleishman</p> <p>a. September 2018 Activities Report</p> <p>Library Director’s Report – Janna Moser</p> <p>a. September 2018 Activities</p>	<p>Brief discussion regarding disconnected services.</p> <p>Chief Sebens reviewed his staff report and spoke briefly about the recent Coffee with a Cop event.</p> <p>No discussion.</p> <p>Mr. Fleishman shared a Transportation System Plan community meeting will be held on Wednesday, October 17th at 5:30 p.m. in the E.G. Siegmund Room at the Stayton Public Library.</p> <p>Ms. Moser shared the upcoming Craft and Art Supply</p>
<p>Presentations / Comments from the Public</p> <p>a. Paige Hook</p>	<p>Ms. Hook encouraged the Council to read their packets prior to the meeting and requested Council members not address members of the audience when they are unable to respond at the microphone. Councilor Kronquist responded.</p>
<p>Business from the City Manager</p>	<p>Reminder of the upcoming Stayton Police K9 Drug Dog Spaghetti Dinner being hosted by the United Methodist Church on Friday, November 2nd from 5:00 p.m. to 7:00 p.m.</p>
<p>Business from the Mayor</p>	<p>None.</p>

Business from the Council

Reminder of the Candidate Forum being held at the Brown House Event Center on Tuesday at 6:30 p.m.

Future Agenda Items – Monday, November 5, 2018

- a. Ordinance No. 1019 – Downtown Ordinances Public Hearing

APPROVED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF NOVEMBER 2018, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____

Alissa Angelo, Deputy City Recorder



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

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Keith Campbell, City Manager
DATE: November 5, 2018
SUBJECT: Review of Ordinance 1019, Amending SMC Titles 6, 8, and 15, Promoting Maintenance of Buildings and Public Spaces

ISSUE

Should the City Council consider amending or repealing portions of or all of Ordinance No. 1019?

ENCLOSURE(S)

- April 24th, 2017 Letter and “Proposed General Building Codes for Downtown Stayton” handout from Friends of Old Town Stayton
- Ordinance 1015, Amending SMC Title 17, Updating the Regulations for the Color Scheme of Buildings and Standards for Awnings in the Downtown Zones
- March 19th, 2018 “Proposed New Ordinances for The Downtown Core of Stayton” handout from the Friends of Old Town Stayton
- Ordinance 1019, Amending SMC Titles 6, 8, and 15, Promoting the Maintenance of Buildings and Public Spaces
- Letter sent by City to Downtown Stakeholders
- Feedback received by the City (prior to publication of the agenda)
- Oregon Indoor Clean Air Act (ICAA)
- ICAA Downtown 10’ area Smoking Map

BACKGROUND INFORMATION

Following the passage of Ordinance No. 985, which addressed the City’s sign code in August 2015, Councilor Glidewell approached City staff with a list of proposed ordinances for the Downtown. It was said the ordinances were necessary to improve the downtown and were taken from the City of Silverton and by correlation to have a successful downtown, the code revisions were a requirement. The proposed ordinances were internally named the “Silverton Ordinances.” Staff advised the ordinances were aggressive and potentially controversial,

suggesting it would be better if such proposals came from a downtown business and not from the City.

Staff spent significant time building and establishing the latest attempt to revitalize the downtown area. There have been at least two prior attempts to coordinate downtown efforts, both of which failed. In the community there was a lot of doubt and skepticism that a new effort would succeed where other efforts had failed. It was critical for the new effort to build trust and positivity, and to look for ideas and programs that were “carrots” and not “hammers.” It was clearly expressed to FOTS/RDS that their mission should be to build up political and social capital, and be a positive force not pursuing aggressive or potentially divisive actions. It was also strongly felt by City staff the focus shouldn’t be to “legislate our way to excellence” but rather look for positive projects and positive incremental changes.

The “Silverton Ordinances” were officially presented to the Governing Body at the May 15th, 2017 City Council meeting. In a letter dated April 24th, 2017, the Friends of Old Town Stayton (FOTS, now Revitalize Downtown Stayton or RDS) provided a cover letter and copy of the “Proposed General Building Codes for Downtown Stayton.” In comments from representatives from FOTS they stated the ordinances were, “not heavy handed” and were “our (FOTS/RDS) ideas” and “developed by the design committee.” The ordinances were, for all practical purposes, the “Silverton Ordinances” that had previously been presented to the City by Councilor Glidewell.

On January 16th, 2018 the first phase of the “Silverton Ordinances” were brought before the Governing Body. Ordinance No. 1015 was presented and passed by the Governing Body. This section of the “Silverton Ordinances” dealt with land use matters specifically related to Title 17 of the Stayton Municipal Code and worked to establish a color scheme for buildings and standards for awnings in the downtown zones. The item had been considered and recommended by the Planning Commission.

At their March 19th, 2018 City Council Meeting, FOTS/RDS brought forward the next phase of their proposed ordinances. At the meeting a representative of FOTS/RDS stated they had “personally invited each merchant on First, Second, and Third Avenue” to discuss the proposed ordinances. This was a clear public declaration to satisfy the expectation of staff.

City staff made an agreement with FOTS/RDS to not publicly oppose Ordinance No. 1019 and assist FOTS/RDS, if they would agree to remove from consideration and no longer advocate for the Vacant Building portion of the “Silverton Ordinances.” An agreement was struck and FOTS/RDS said after Ordinance No. 1019 was adopted, FOTS/RDS would agree to move forward with positive “carrot” projects and avoid “hammers.”

Ordinance No. 1019 was first presented to the Council at the April 16th, 2018 meeting. As presented by staff, the provisions in Ordinance No. 1019 would have applied only within the area designated as Downtown by the City’s Comprehensive Plan Map. Staff suggested that prior to consideration of the ordinance, the City Council conduct a public hearing.

The Council considered the ordinance a second time at their May 21st meeting. FOTS/RDS requested the Council consider having them also apply to both sides of N. First Avenue, from Water Street to Washington Street. This amendment was made by the Council.

At the June 4th, 2018 Council meeting, the City Council had its final consideration prior to formally adopting Ordinance No. 1019. Prior to the final vote there was discussion on the proposed smoking portion of the ordinance. Staff was asked about enforcement of the smoking ordinance. The Police Chief noted there is, “a smoking police through the state and they would need to be called.” The Chief further explained, “We (police) would not actively patrol for that issue (smoking)” and, “we (police) will not actively enforce.”

After the passage of Ordinance No. 1019, a representative of FOTS/RDS made repeated and persistent demands that staff begin to actively enforce the smoking portion of the ordinance. Staff was told we were not following the wishes and expectations of the City Council and we had an obligation to enforce our ordinances. These are key factors that have led to the escalation of this matter.

A representative of FOTS/RDS has told multiple members of City staff there were ulterior motives for the passage of the smoking portion of the ordinances, which was presumably why FOTS/RDS was so insistent there be active enforcement. If this is true, then the Governing Body has a right to know and determine if the intent of the ordinances is one they would support and endorse.

A representative of FOTS/RDS also insisted, on multiple occasions, the City’s Code Enforcement Officer hand-deliver copies of the ordinance to downtown stakeholders. Staff contacted the Oregon Mainstreet Program who agreed this work should be done by FOTS/RDS.

The feedback and frustration from downtown businesses at several City Council meetings has led to concerns that the level of communication from FOTS/RDS to the downtown businesses was not as robust as stated, both publically and privately.

Over several weeks’ staff visited with eighteen prominent and established local businesses in downtown and asked if anyone from FOTS/RDS had discussed with them the proposed ordinances. Seventeen of these businesses stated they had not received any contact from any members of FOTS/RDS. One business said they hadn’t been contacted by FOTS/RDS, but instead had been contacted by a City councilmember. A follow up question was asked if the businesses were aware of the contents of the ordinances. All the contacted businesses said they were not aware of the contents of the ordinance. Following the passage of both ordinances a councilmember asked a FOTS/RDS board member to provide details of the communication with downtown businesses prior to Ordinance No. 1019 being brought before the governing body for consideration. The response from FOTS/RDS was “we need to do a better job communicating.”

Of particular concern, during a City Council meeting a City councilmember asked representatives of the four bars impacted by Ordinance No. 1019, if anyone from FOTS/RDS had

contacted them prior to the Ordinance being enacted. All indicated they had not been contacted. To put it in clear terms, there was no communication with the businesses that would be most directly impacted by Ordinance No. 1019.

Staff has now learned in late January of this year, FOTS/RDS held a quarterly Business Roundtable meeting. At the Business Roundtable, an agenda item was the remaining content of the proposed ordinances. RDS/FOTS also put the proposed ordinances on their website. FOTS/RDS treated stakeholders who did not attend the meeting as tacitly approving of the language of the proposal.

FISCAL IMPACT

A fiscal impact will be determined by the decision of the Governing Body.

STAFF RECOMMENDATION

In the view of staff, the downtown bars and businesses had two valid and justified complaints regarding Ordinance No. 1019.

1. Downtown businesses were not properly notified or provided a proper forum for consideration of their thoughts and concerns prior to the Council consideration and passage of Ordinance No. 1019.
2. An argument of equity. Specifically, why would there be an inequity between the rules and requirements between businesses designated in the downtown and businesses located in other segments of our community.

This agenda item should address the first concern. As for the second concern, a City can have different rules and standards for different segments or areas of the community, but it is appropriate to be able to articulate the purpose, value, or intent of different standards.

While significant efforts have been made to reframe the discussion into a public policy debate on smoking, those efforts are a deflection and distraction. It is critical that the City embrace and support a fair and just political process for creating policy. What happened with Ordinance No. 1019 is an example of a bad process with a predictably divisive and negative outcome. The City, staff, and the Governing Body have been unnecessarily maligned and created a needless ill will between the City and downtown businesses. The City support of a Mainstreet Model was predicated and drafted in the belief of being a supportive and positive influence downtown. The City placed trust that FOTS/RDS would follow the advice of staff and properly vet and discuss the proposed ordinances with the impacted stakeholders.

Ultimately, it is the responsibility of the City Manager to assure the City works to create a fair and equitable procedure for making policy. On reflection, staff should have verified and vetted the comments and statements made by representatives of FOTS/RDS. The failure to do so was a mistake which needed to be corrected by properly vetting the impact of Ordinance No. 1019 on the stakeholders.

FOTS/RDS has both publically and privately stated they intend to pursue the vacant building portion of the “Silverton Ordinances.” If this is indeed their intent, it would be a violation of the agreement that was made with staff for our support on Ordinances No. 1015 and 1019, and would demonstrate FOTS/RDS does not intend to work in good-faith with City staff.

Since the “Silverton Ordinances” were first brought presented staff has actively encouraged FOTS/RDS to be a positive force, to look for positive, non-controversial projects and task that could build faith, trust, support and political and social capital for the long-term benefit of the downtown partnership. Focus on “carrots” not “hammers.” FOTS/RDS has made it clear that they feel that the Governing Body has given them “carte blanche” and have stated “why would we ever need to communicate with the City.” The concern was that in this situation building relationships and positivity should be the singular focus. At this point, the drama of Ordinance No. 1019 is a sunk cost.

The staff recommendation is to make a final decision on this Ordinance.

OPTIONS AND MOTION(S)

1. Retain the provisions enacted by Ordinance No. 1019

No motion necessary to amend various provisions enacted by Ordinance No. 1019

2. Direct staff to prepare an ordinance to amend the following sections of Ordinance No. 1019 as follows:

Motion to direct staff to prepare an ordinance to amend the following sections of Ordinance No. 1019 as follows _____.

3. Repeal Ordinance No. 1019

Motion to direct staff to prepare an ordinance to repeal Ordinance No. 1019.

Friends Of Old Town Stayton

April 24, 2017

Mayor Hank Porter
Stayton City Council
Related City Staff

Mr Mayor, Council Members, Staff Members:

Friends of Old Town Stayton, via it's Design Committee, have developed the first of what we propose to be a number of Building Codes we believe should be enacted to improve the appearance and vitality of Old Downtown Stayton. These have been chosen as most affecting the Downtown Core, and a relevant starting point for improvement.

Many other cities in Oregon who participate in the MainStreet America Program have used building codes as a tool to enforce development of their identified core. It is only through this process, backed with strict enforcement, that significant changes can be mandated and applied in a unified manner. These particular suggestions have been developed after a review of Silverton and Astoria, Oregon, two cities who have shown significant progress in their revitalization.

Items to particularly note are:

1. The area identified as the Downtown Core has been expanded from just Third Avenue to include the streets leading from First Avenue to Third Avenue since First is the main thoroughfare through town and the approaches to Third Avenue must draw visitors to Third.
2. Standards have been developed to direct paint colors and style for when building owners paint their buildings since this will be a varied and long-term process that should slowly develop a cohesive palette.
3. Vacant Buildings are a large focus of the recommended codes since they play such a significant role in the appearance of the town as vital vs. dying.
4. It is strongly recommended that Procedures, responsible persons, notifications of violation, and enforcement by penalties should be developed for cases of non-compliance with these Building Codes.

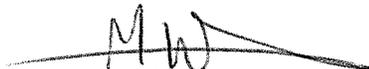
Members of our group will be at the May 15th Council meeting to further discuss our recommendations.

It is our hope that the council will seriously consider adopting these Codes to advance the work of our organization in revitalizing Downtown Stayton. Without a number of such guidelines that are enforceable, we believe our ability to make significant changes toward vitality and new economic development in Old Downtown Stayton will be limited.

Thank you for your consideration.
Sincerely,

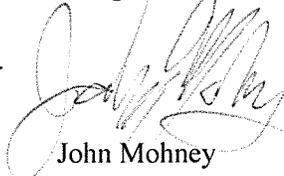


Alan Meyer
President

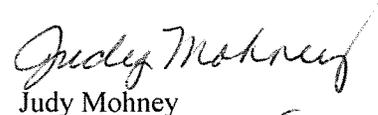


Marty White
Treasurer

Design Committee:



John Mohney



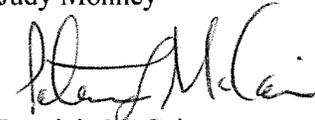
Judy Mohney



Skip Neil
Secretary



Steve Poisson



Patricia McCain

Friends of Old Town Stayton
Proposed General Building Codes for Downtown Stayton

Purpose: To improve the economic vitality of the Downtown area by improving the appearance of buildings and infrastructure in the Downtown District, including the approaches to Third Avenue from First Avenue.

Boundaries: The Downtown District will be defined by the area bounded by E Water St on the south, E Burnett St on the north, N Third Ave on the east and N First Ave on the west.

Painting of exterior surfaces of buildings: When owner paints a building within the Downtown District, only City approved color palette shall be used

- a. Different colors shall be used to accentuate and highlight trim, windows, and other building features.

Animal Waste: . The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks or any public right of way between the street curb and the adjacent public or private property line, recreation area, or private property.

Vacant Buildings in Downtown Stayton:

Definition: A building/structure that appears to be empty of furnishings and/or merchandise and not otherwise legally occupied, or any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that a property or building is unoccupied. Such conditions include, but are not limited to: overgrown and/or dead vegetation; accumulation of newspapers, circulars and/or flyers; disconnected utilities; accumulation of trash, junk and/or debris; broken or boarded up windows and/or doors; the absence of merchandise consistent with retail sale; and statements by neighbors or government employees that the property or building is vacant. Portions of buildings with more than one section such as buildings with separate storefronts may be determined to be vacant even if other portions of the building are occupied.

Purpose: The Guidelines are intended to protect the Downtown Core from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. Such properties may:

1. Pose hazards to the public health, safety, and welfare.
2. Cause damage to adjoining and nearby properties . A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.
3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.

5. Be potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.
7. Be the core and cause of spreading blight.

It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. It is also in the community's best interest not to lose unique buildings, and in the best interest of the owner to maintain his investment.

Exceptions: The Vacant Building Code shall not apply to a building and/or properties that are actively undergoing construction or repair as indicated by a valid building permit and appearance that the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety or health concerns.

A. The building and/or property shall be secure so that it is not to accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding, and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing.

B. Display of address number.

Address numbers posted shall be the same as the number listed on the county assessment and taxation records for the property. All dwellings shall have four-inch-high address numbers posted in a conspicuous place on a contrasting background so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered or lettered.

C. Accessory Structures

All accessory structures, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of debris, moss, mildew, trash, unsafe obstructions or hazardous conditions.

D. Exterior Walls And Exposed Surfaces.

1. Exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

2. Exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, paint, or other approved coating, and be maintained in good condition. When a building is repainted, owner must use the approved City color palette.

a. The painting of brick walls is permitted.

b. Different colors shall be used to accentuate and highlight trim, windows, and other building features from the body of the building.

E. Awnings and Canopies.

- a. When installing new awnings, they shall extend out from the building front to cover at least two-thirds of the sidewalk unless it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements. Awnings shall be clean and in good repair.
- b. Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas or similar materials. Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.
- c. Awnings shall fit within the window bays (either above the main glass or the transom light) so as not to obscure or distract from significant architectural features.
- d. The color of the awning shall be compatible and attractive with its attached building.
- e. Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from Dusk to 6AM.
- f. Awnings shall be a minimum of eight feet above the sidewalk.

F. Signs or other added elements on the facade shall be removed when no longer used for it's intended purpose, or maintained in good repair, clean, and whole. Blank sign fixtures are not permitted.

1. When possible, exterior Equipment shall not be located on the front facade. If inevitable, equipment shall be concealed from street view using an appropriate enclosure. If not in active use, such equipment shall be removed

G. Windows.

Each window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:

- a. Window sash shall be fully supplied with glass window panes without cracks and holes. Broken windows and/or doors shall be secured by means of reglazing with undamaged glass or other approved permanent material, and not by cardboard, plywood, or other temporary means except as necessary temporarily for not more than one month while awaiting reglazing. If another approved permanent material is used, it is subject to the same display guidelines as glass.
- b. Window sash shall be in good condition and fit weather-tight within its frames.
- c. Window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the structure.

H. Doors.

Exterior doors, door assemblies, and hardware shall be maintained in good condition, be weather-tight, and substantially exclude wind and rain from entering the structure.

I. Buildings located in commercial areas shall have some street presence by the display of goods in the storefront windows, interpretive displays, or some other activity that give the appearance of the building being occupied. Displays in vacant buildings shall be reviewed and approved by the Planning Department Director prior to installation. Buildings temporarily vacated between tenants may be exempted from these guidelines for 60 days.

Displays shall be reviewed for the following:

- a. Displays may include art, historic posters, paint applied to the interior of the glass, blinds, shutters, or merchandise.
- b. If it is an interior display vs. being applied onto the glass, blinds, or shutters, the display shall encompass the first 3 feet from the window and be partitioned from the remainder of the space by a screen at least 6 feet tall. The goods and/or interpretive displays should encompass a minimum of approximately 50% of the available area.
- c. Any display applied to the interior of the glass, blinds, or shutters shall cover 100% of the window 7 feet vertically from the sidewalk level. At least 25% of such area shall consist of art, historical posters, or murals.
- d. If the property is for sale or lease, such sign advertising this fact shall be no larger than 4 square feet of the total display
- e. The displays shall be maintained in good condition and not faded or deteriorated.
- f. Content of the displays shall be in compliance with allowable uses within the zone.
- g. Displays shall comply with the requirements of the Sign Code if applicable.

J. Debris.

Property shall be kept free of debris, trash, building materials, or the storage of other goods which are visible from the street or adjacent properties. The building and/or property shall be kept free of any accumulation of newspapers, circulars or flyers, graffiti, discarded items including but not limited to furniture, clothing, appliances, or any other items that give the appearance that the property or building is vacant. Debris shall include, but not be limited to: tires, lumber, household appliances, inoperable or excess vehicles, furniture, sinks, toilets, cabinets, other household fixtures, equipment, rubbish, garbage, debris, salvage materials, or parts thereof which constitute a fire hazard and/or are stored or accumulated in such a manner as to be visible from a public street, alley or adjoining property;

K. Weeds or other noxious vegetation shall be cut down or destroyed, or otherwise prevented from becoming unsightly, from becoming a fire hazard, or from maturing or going to seed.

L. Walkways, Parking Areas, and Walls.

a. Walls, driveways, walkways, parking areas, and retaining and/or decorative walls shall be maintained in such condition as to not become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes potential depreciation of the values of surrounding property, or is materially detrimental to nearby properties and improvements.

b. Maintenance and/or construction of walls, driveways, walkways, parking areas, and retaining and/or decorative walls located within the right-of-way shall be the responsibility of the adjacent property owner unless otherwise approved by a legally recorded easement or other legal document.

M. The property shall be posted with name and 24-hour contact phone number of the owner, person in charge, or a local property management representative. The posting shall be 12" X 18" and shall contain the words "THIS PROPERTY MANAGED BY . . ." The posting shall be secured to the exterior of the building or placed in a location on the property so it is visible from the street. If the person in charge of the property or building is an entity or does not reside within 50 miles of the City limits, the person in charge shall contract with or otherwise engage a person within 50 miles to provide property management and to perform inspections to verify that all requirements of these guidelines and any other applicable laws are being met.

NOTE: Procedures, responsible persons, notifications of violation, and enforcement by penalties should be developed for cases of non-compliance.

ORDINANCE NO. 1015

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17, UPDATING THE REGULATIONS FOR THE COLOR SCHEME OF BUILDINGS AND STANDARDS FOR AWNINGS IN THE DOWNTOWN ZONES

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 Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, the adopted Downtown Stayton Transportation and Revitalization Plan includes policies to support the development of design and compatibility standards for renovations and new developments in the downtown areas;

WHEREAS, SMC Title 17, Chapter 20 of the Land Use and Development Code, Section 17.20.220, establishes the development standards within the Downtown zones;

WHEREAS, Section 17.20.220.3.e.6) contains standards that require awnings along entrances of buildings in the downtown area;

WHEREAS, Section 17.20.220.3.g.4) contains standards regarding the colors of building exteriors in the downtown area;

WHEREAS, notice of proposed amendments was sent to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code, in accordance with Section 17.12.175.3, and following a public hearing has recommended that the Stayton City Council enact the recommended amendments; and

WHEREAS, the Stayton City Council, following a public hearing, notice of which was published in the Stayton Mail on January 3, 2018, does find that the amendments proposed by the Planning Commission are appropriate and are consistent with the Comprehensive Plan and Downtown Stayton Transportation and Revitalization Plan.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Awning Standards Amended. Section 17.20.220.3.e.6) is hereby amended as follows:

- 6) At a minimum, building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes or awnings that protect pedestrians from the rain and sun. Rain and sun protection is encouraged along all street frontages. ~~Any building feature designed to protect pedestrians from sun and rain may extend over the street right of way up to 8 feet.~~
 - a) When installing new awnings, they shall extend out from the building front to cover at least two-thirds of the sidewalk unless a building is setback from the front property line or it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements. Awnings shall be maintained in good repair and kept clean and free of moss and algae.
 - b) Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas or similar materials. Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.

- c) Awnings shall fit within the window bays either above the main glass or the transom light) so as not to obscure or distract from significant architectural features.
- d) The color of the awning shall be compatible and attractive with its attached building.
- e) Lighting which provides illumination to the sidewalk and signage is required from dusk until midnight.
- f) Awnings shall be a minimum of eight feet above the sidewalk.

Section 2. Downtown Color Palette Amended. Section 17.20.220.3.g.4) is hereby amended as follows:

- 4) Predominant colors shall be earth tones, defined as shades of green, red, gray, brown and yellow with a light reflecting value of no less than 15 or no more than 50% or less. ~~Table 17.20.220.1 illustrates acceptable earth tone colors. Pastel tones, defined as any hue with a shade of 60% or more, may be used as accent and trim. Bright colors are prohibited.~~ A palette of approved colors shall be maintained in the office of the Planning and Development Department for reference.
 - a) Contrasting colors shall be used to accentuate and highlight trim, windows, and other building features, and are exempt from the color palette and light reflecting values required for the body of the building. The City Planner shall approve the combination of colors used for body and trim as consistent with the overall theme desired for the downtown area.
 - b) Buildings on the National Register of Historic Places shall be exempt from these requirements.

Section 3. Table 17.20.220.1 Deleted. Table 17.20.220.1 is hereby deleted from the Code.

Section 4. Effective Date. This Ordinance shall not become effective until the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

Section 5. 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 16th day of January, 2018.

CITY OF STAYTON

Signed: 1/16, 2018

BY:

Henry A. Porter
Henry A. Porter, Mayor

Signed: Yia, 2018

ATTEST:

Keith D. Campbell
Keith D. Campbell,
City Administrator

Friends of Old Town Stayton
Proposed New Ordinances for The Downtown Core of Stayton

NEW Addition to existing Chapter 6.604 Animal Control (whole city)

Animal Waste: . The owner of every animal shall be responsible for the removal of any solid excreta deposited by his animal(s) on public walks or any public right of way between the street curb and the adjacent public or private property line, or in a recreation area, or on private property.

NEW Building Maintenance

Purpose: The Guidelines are intended to protect the Downtown Core from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. Such properties may:

1. Pose hazards to the public health, safety, and welfare.
2. Cause potential damage to adjoining and nearby properties . A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.
3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.
5. Serve as a potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Potentially cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.
7. Be the core and cause of spreading blight.

It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. It is also in the community's best interest not to lose unique buildings, and in the best interest of the owner to maintain their investment.

NEW A. Debris.

Exterior of property shall be kept free of debris, trash, building materials, or the storage of other goods. The building exterior and/or property shall be kept free of any accumulation of newspapers, circulars or flyers, graffiti, discarded items including but not limited to cigarette butts, furniture, clothing, appliances, et al.

NEW B. Plant material shall be cut down or destroyed between the building facade and the street unless planted in a container or tree well by the building owner, occupant, or city. Plant material shall be removed between buildings, and in alleyways. Planted materials shall be maintained to keep them healthy and attractive.

NEW C. Smoking or vaping is prohibited outside the front street facade of any building in the downtown core. Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form.

NEW D. Awnings

1. Awnings shall be in good repair and free of moss or algae.
2. Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from Dusk to Midnight.

NEW E. Ordinance Enforcement - Officer Initiated Enforcement.

The Ordinance Enforcement Officer shall enforce the standards of Sections _____, with or without a complaint being filed, when apparent violations are visible from a public street or property with public access.

1. Investigations.

Once a violation has been identified, the Ordinance Enforcement Officer will issue a Notice of Violation and Order of Abatement.

2. Notices and Orders.

a. For valid violations, the Ordinance Enforcement Officer shall issue a Notice of Violation and Order of Abatement to the owner. The Notice and Order shall include the following:

- i. Street address.*
- ii. A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter as alleged.*
- iii. A thorough description of the violation.*
- iv. Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, plus three days for mailing from the date of the Notice and Order, Ordinance Enforcement Officer **may**:*
 - a) Record the Notice and Order against the property.*
 - b) Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court.*
 - c) Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.*
- v. Statements that the owner may appeal the Notice and Order as specified in this Chapter.*
- vi. The date by which the repairs or corrective actions must be completed and a reinspection scheduled.*

b. The Notice of Violation and Order of Abatement, and any amended or supplemental Notice and Order, shall be posted on the premises and shall be served upon the owner by certified mail, at the address of record in the Marion County Assessor's records.

*4. Failure to Comply. If there is not compliance with the Notice of Violation and Order by the specified date, the Ordinance Enforcement Officer **shall issue a second** Notice of Violation and Order Abatement to the owner. The Notice and Order shall include the following:*

- i. Street address.*
- ii. A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter as alleged.*
- iii. A thorough description of the violation.*
- iv. Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, plus three days for mailing from the date of the Notice and Order,*

Ordinance Enforcement Officer **shall**:

- a) Record the Notice and Order against the property.
- b) Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court.
- c) Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.
- v. Statements that the owner may appeal the Notice and Order as specified in this Chapter.
- vi. The date by which the repairs or corrective actions must be completed and a reinspection scheduled.

b. The Notice of Violation and Order of Abatement, and any amended or supplemental Notice and Order, shall be posted on the premises and shall be served upon the owner by certified mail, at the address of record in the Marion County Assessor's records.

5. Failure to Comply. If there is not compliance with the **Second** Notice of Violation and Order by the specified date, the Ordinance Enforcement Officer **shall** :

- a. Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court;
- b. Record the Notice and Order against the property with all recording costs to be the responsibility of the owner; and
- c. Initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the matter with the intent and purpose of recovering these costs from the owner. A lien shall be placed on the subject property.

Compliance.

- a. Upon compliance with the Order of Abatement, the Ordinance Enforcement Officer will issue a Notice of Compliance to the owner.
- b. If a Notice and Order was recorded against the property, the City Administrator or their designee will record the Notice of Compliance against the property.
- c. If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the matter, the Finance Director will proceed with collecting these costs from the owner using adopted City procedures, including lien foreclosure.

7. Penalties. Any person violating any of the provisions of this Chapter shall, upon court conviction thereof, be punished by a fine as specified by Council Resolution. Each day that a violation remains unrectified after notification is a separate offense.

APPEALS

1. Appeal to City Administrator.

Any owner who has been issued a Notice of Violation by the Ordinance Enforcement Officer may file a written appeal to the City Administrator within 10 business days of the date the Notice of Violation was mailed.

2.. The City Administrator shall consider the appeal within 15 business days from the date of the City's receipt of the appeal. The City Administrator may, at the City Administrator's sole discretion:

- i. Remand the matter back to the Ordinance Enforcement Officer for reconsideration;
- ii. Grant the request on appeal, with or without conditions; or
- iii. Deny the request on appeal.

. The City Administrator shall issue a written Notice of Decision regarding the appeal. The City Administrator's decision is final.

ORDINANCE NO. 1019

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLES 6, 8, AND 15, PROMOTING THE MAINTENANCE OF BUILDINGS AND PUBLIC SPACES

WHEREAS, the City of Stayton has adopted Title 6 of the Stayton Municipal Code (SMC) regarding animal control;

WHEREAS, there is currently no requirement in the SMC regarding owners of animals picking up their animals' waste;

WHEREAS, the City of Stayton has adopted Title 8, Chapter 8.12 regarding the use of public parks, public property and waterways;

WHEREAS, the SMC prohibits the use of tobacco products in public parks;

WHEREAS, Oregon law prohibits smoking within 10 feet of the entrance, exits, open windows and ventilators of public places or places of employment.

WHEREAS, the City has adopted a Downtown Transportation and Revitalization Plan that envisions that downtown streets are designed for pedestrians and promote safety and comfort.

WHEREAS, the City is interested in promoting the downtown area and maintaining the appearance of buildings and spaces around buildings to increase the attractiveness of the downtown area; and

WHEREAS, the Stayton City Council, does find that the provisions of this Ordinance are reasonable regulations to promote the public health, safety and welfare.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Removal of Animal Waste Required. Stayton Municipal Code Title 6, Chapter 6.04, Section 6.04.220 is hereby enacted.

6.04.220 REMOVAL OF ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any solid waste deposited by the owner's animal on public walks or within any public right of way, or in a park or other public place, or on private property not owned by the animal's owner.

Section 2. Smoking Prohibited. Stayton Municipal Code Title 8, Chapter 8.12, Section 8.12.040.5 is hereby amended, to prohibit smoking or vaping on sidewalks in the downtown area:

5. Smoking of tobacco, marijuana, or any other substances including E-Cigarettes and use of smokeless tobacco is prohibited at any City-owned property, park and facilities. Smoking or vaping is prohibited outside the front street facade of any building in the area designated as Downtown in the Comprehensive Plan Map and properties on both sides of N First Ave between Water St and Washington St. Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, E-cigarette, vape pen, or other tobacco product in any manner or in any form.

Section 3. Commercial Property Maintenance Required. Stayton Municipal Code Title 15, Chapter 15.12 is hereby enacted, establishing regulations for the maintenance of non-residential properties in the downtown area:

CHAPTER 15.12

NON-RESIDENTIAL PROPERTY MAINTENANCE

15.12.010 PURPOSE

This Chapter is intended to protect the Downtown Core from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. Such properties may:

1. Pose hazards to the public health, safety, and welfare.
2. Cause potential damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.
3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.
5. Serve as a potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Potentially cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.
7. Be the core and cause of spreading blight

It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. It is also in the community's best interest not to lose unique buildings, and in the best interest of the owner to maintain their investment.

15.12.020 SCOPE OF REGULATIONS

The regulations included in this Chapter shall be in effect and control the use of property and public places only within the Downtown Core of the City. The Downtown Core is defined as that area designated Downtown on the Stayton Comprehensive Plan Map and both sides of N First Ave from Water St to Washington St.

15.12.030 PROPERTY TO BE KEPT FREE FROM DEBRIS

The exterior of any non-residential property shall be kept free of debris, trash, building materials, or the storage of other goods. The building exterior and/or property shall be kept free of any accumulation of newspapers, circulars or flyers, graffiti, discarded items including but not limited to cigarette butts, scrap paper, food or beverage containers, furniture, clothing, and appliances.

15.12.040 WEEDS AND PLANTS TO BE CONTROLLED

Plant material shall be cut down or destroyed between the building facade and the street unless planted in a container or tree well by the building owner, occupant, or city. Plant material shall be removed between buildings, and in alleyways. Planted materials in landscape beds and planters shall be maintained to keep them healthy and attractive.

15.12.050 ILLUMINATION AND MAINTENANCE OF AWNINGS

1. Awnings shall be in good repair and free of moss or algae.
2. Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from dusk to midnight.

15.12.060 ENFORCEMENT

The Ordinance Enforcement Officer shall enforce the standards of this Chapter, with or without a complaint being filed, when apparent violations are visible from a public street or property with public access.

1. Investigations.

Once a violation has been identified, the Ordinance Enforcement Officer will issue a written determination of violation.

2. Determination of Violation.

a. When the Ordinance Enforcement Officer has determined that a violation of this Chapter exists, the Ordinance Enforcement Officer shall issue a written determination of violation to the property owner with an order to abate the violation. The written determination shall be mailed by first class mail to the owner at the address of record in the Marion County Assessor's records and shall include the following:

1) Street address.

2) A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter.

3) A thorough description of the violation.

4) Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, the Ordinance Enforcement Officer will issue a Notice of Violation and Order of Abatement.

5) Statements that issuance of a Notice of Violation and Order of Abatement may result in:

a) Recording of the Notice and Order against the property.

b) Issuance of a citation to the owner to appear in Stayton Municipal Court.

c) Initiation of action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.

6) The date by which the repairs or corrective actions must be completed and a reinspection scheduled.

3. Notice of Violation and Order of Abatement.

If there is not compliance with the determination of violation and order by the date specified in the written determination, the Ordinance Enforcement Officer shall issue a Notice of Violation and Order of Abatement to the property owner. The Notice and Order shall be served upon the owner by certified mail, at the address of record in the Marion County Assessor's records and shall include the following:

- a. Street address.
 - b. A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter.
 - c. A thorough description of the violation.
 - d. Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, plus three days for mailing from the date of the Notice and Order, the Ordinance Enforcement Officer shall:
 - 1) Record the Notice and Order against the property.
 - 2) Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court.
 - 3) Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.
 - e. Statements that the owner may appeal the Notice and Order as specified in this Chapter.
 - f. The date by which the repairs or corrective actions must be completed and a reinspection scheduled.
4. Failure to Comply.

If there is not compliance with the Notice of Violation and Order by the specified date, the Ordinance Enforcement Officer shall:

- a. Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court;
 - b. Record the Notice and Order against the property with all recording costs to be the responsibility of the owner; and
 - c. Initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the matter with the intent and purpose of recovering these costs from the owner. A lien shall be placed on the subject property.
5. Compliance.
- a. Upon compliance with the Order of Abatement, the Ordinance Enforcement Officer will issue a Notice of Compliance to the owner.
 - b. If a Notice and Order was recorded against the property, the City Manager will record the Notice of Compliance against the property.
 - c. If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the matter, the Finance Director will proceed with collecting these costs from the owner using adopted City procedures, including lien foreclosure.
6. Penalties. Any person violating any of the provisions of this Chapter shall, upon court conviction thereof, be punished by a fine as specified by Council Resolution. Each day that a violation remains unrectified after notification is a separate offense.

15.12.070 APPEALS

1. Appeal to City Administrator.

Any owner who has been issued a Notice of Violation by the Ordinance Enforcement Officer may file a written appeal to the City Manager within 10 business days of the date the Notice of Violation was mailed.

2. The City Manager shall consider the appeal within 15 business days from the date of the City's receipt of the appeal. The City Manager may, at the City Manager's sole discretion:

- a. Remand the matter back to the Ordinance Enforcement Officer for reconsideration;
- b. Grant the request on appeal, with or without conditions; or
- c. Deny the request on appeal.

The City Manager shall issue a written Notice of Decision regarding the appeal. The City Manager's decision is final.

Section 4. Effective Date. This Ordinance shall become effective on the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of June, 2018.

Signed: 6/4, 2018

CITY OF STAYTON
BY: Henry A. Porter
Henry A. Porter, Mayor

Signed: 6/11, 2018

ATTEST: Keith D. Campbell
Keith D. Campbell, City Manager



City of Stayton

Administration • Finance
362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-3425 • Fax (503) 769-1456

Dear Downtown Stakeholder,

During the March 19th and April 16th City Council meetings, representatives for Revitalize Downtown Stayton (RDS) came to the Governing Body with a proposal for Ordinances for the designated Downtown Corridor. On June 4th, the Stayton City Council on a 4-1 vote Adopted Ordinance No. 1019.

At their September 17th meeting, the Council suspended enforcement of Ordinance No. 1019 and directed staff to contact business owners and the community to educate them on the contents of the Ordinance.

Ordinance No. 1019 included the following changes and/or additions to the Stayton Municipal Code:

- **REMOVAL OF ANIMAL WASTE:** The owner of every animal shall be responsible for the removal of any solid waste deposited by the owner's animal on public walks or within any public right of way, or in a park or other public place, or on a private property not owned by the animal's owner.
- **SMOKING PROHIBITED:** Smoking of tobacco, marijuana, or any other substances including e-cigarette and use of smokeless tobacco is prohibited a any City-owned property, park and facilities (*previously adopted language*). Smoking or vaping is prohibited outside the front street facade of any building in the area designated as Downtown in the Comprehensive Plan Map and properties on both sides of N. First Avenue between Water Street and Washington Street. Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, e-cigarette, vape pen, or other tobacco product in any manner or in any form (*new language*).
- **NON-RESIDENTIAL PROPERTY MAINTENANCE:** Section "intended to protect the Downtown Core from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City." Areas covered in this section include:
 - Property to be Kept Free from Debris
 - Weeds and Plants to be Controlled
 - Illumination and Maintenance of Awnings

The full language of Ordinance No. 1019 is enclosed.

The Governing Body is seeking comments and feedback regarding Ordinance No. 1019 from property owners and businesses in the Downtown Core area of Stayton. There are four ways for downtown property owners and business owners to provide comments of feedback:

POLICE
386 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-3423
FAX (503) 769-7497

PLANNING
362 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-2998
FAX (503) 767-2134

POOL
400 W. VIRGINIA STREET
STAYTON, OR 97383
(503) 767-7665

PUBLIC WORKS
362 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-2919
FAX (503) 767-2134

WASTEWATER
950 JETTERS WAY
STAYTON, OR 97383
(503) 769-2810
FAX (503) 769-7413

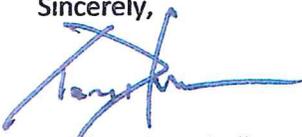
LIBRARY
515 N. FIRST AVENUE
STAYTON, OR 97383
(503) 769-3313
FAX (503) 769-3218

1. Provide written comments to City Hall no later than 5:00 p.m. Wednesday, October 31st.
2. Fill out our online form at www.staytonoregon.gov/page/gov_downtown
3. Via email at cityofstayton@ci.stayton.or.us
4. Attend the November 5th City Council meeting at the Community Center at 7:00 p.m.

As a City, we need to create and support a good political process for creating policy, and this includes proper communication with stakeholders. Our focus should be doing the right thing and upholding ourselves and our subservient organizations to the highest standards. We hope that you will take time to make your voice heard in this process.

Please don't hesitate to contact me with any questions at kcampbell@ci.stayton.or.us or (503) 769-3425.

Sincerely,



Keith D. Campbell
City Manager

Enclosure

From: aangelo@ci.stayton.or.us
To: [Alissa Angelo](#)
Subject: Downtown Ordinance Comments
Date: Thursday, October 11, 2018 11:05:45 AM

Name
Skip neill

Email:
sneill@bcslc.com

Downtown Business Name
Boldt Carlisle + Smith

Downtown Building Address
408 N. 3rd Ave.

Please share your comments or concerns regarding Ordinance No. 1019
Making the downtown accessible, attractive, and functional for use by all members of the public is important to the vitality of any downtown. I am generally in favor of this revision to the ordinance, although I wonder how the enforcement will work out in practice. For example, if a person's animal defecates on the sidewalk in front of my building and community enforcement notices before I do, what happens? Am I responsible to pick up after animals in this scenario? Naturally, I want to keep the area around my building clean and welcoming so I would clean it up. It is a shame that common sense and personal responsibility is not so common anymore. I wonder, too, about smoking enforcement.

***** Email Details *****

From IP address: 207.55.60.236
Submitted date: 10/11/2018 1:05:36 PM ID: 495

From: aangelo@ci.stayton.or.us
To: [Alissa Angelo](#)
Subject: [Blacklisted Sender] Downtown Ordinance Comments
Date: Thursday, October 25, 2018 2:16:41 PM

Name

Charlene Vogel

Email:

charlenemvogel@gmail.com

Downtown Business Name

Santiam Ballet Academy / Charlene Vogel Photography

Downtown Building Address

279 N 3rd Ave

Please share your comments or concerns regarding Ordinance No. 1019

Smoking on the front sidewalks is having an adverse affect on business. Parents do not want to walk through groups of people outside smoking with their children. I have had complaints from people after fitness classes that they do not like to walk outside and get a lung full of cigarette smoke. The storm drains outside of my doors are full of cigarette butts. Parents like to be able to drop off a child to class and walk their dogs to the park but do not feel safe when there are groups of people loitering and smoking. I can not leave the front door open without my studio filling with the smell of smoke. It is not a healthy atmosphere and does not set a good example for our young people. Parents with children are not going to want to walk our sidewalks as long as this is happening.

***** Email Details *****

From IP address: 64.130.197.119

Submitted date: 10/25/2018 4:16:31 PM ID: 505

Mick & Mom Pub & Eatery, Inc.
255 N 3rd Ave .
Stayton OR 97383
yiwu4389@hotmail.com



October 25 2018

City of Stayton
362 N. Third Ave.
Stayton, OR 97383

Dear City Manager Keith,

I am responding to the attached letter from you to us in regards to the suspended/reconsidering smoking ordinance. We have no problems to comply with the following requests.

- Removal of animal waste - We have always keep the outside of our building clean.
- Non-Residential property maintenance - We are also in compliance with this item.

As you know, there are no physical outdoor privately owned spaces by Mick & Mom. there are no possible designated spaces in the front, the side, or the back for customer and employees to smoke.

It looks like Mick & Mom is currently the only business in the downtown area that is being targeted/negatively impacted. With this new ordinance it will basically force Mick & Mom to be out of business. Why should the Bottle Factory, Red Apple, Cheers, Happy Dragon, Bewaki and other bars get a pass? According to the owner of Red Apple and Cheers, they consulted with the city and confirmed that the smoking ban ordinance does not impact them as well. It looks like Mick & Mom is the only business in downtown area that are targeted by this ordinance on purpose. therefore Smoking ban is basically not fair to Mick & Mom based on building physical condition. Is there anything the city can do to help Mick & Mom's current situation?

Since there are a lot of smokers from other nearby stores in the downtown area, is it possible that the city can provide a designated smoking spot in the back of Mick & Mom to accommodate all smokers?

There is a large percentage of smokers in our community. Smoking ban is taking away their freedom. We had previously turned in a letter along with approximately 160 signers who are against the smoking ban ordinance(this letter was given to the city during one of the council meeting).

We've been attending the city meetings for the past few months. During the meetings, someone from the city told us that we will be contacted for further discussion in regards to Mick & Mom's situation. but no one has approach us as of yet.

We are a small business, and have no power at all to control over what decisions the city made or about to make. We believe and hope the city of Stayton can help resolve the smoking ban situation in favor of Mick & Mom and the citizens that have already voiced their concerns against the smoking ban ordinance.

Thank you.

Sincerely yours,

 10-25-2018

Yi Wu

Mick & Mom

From: aangelo@ci.stayton.or.us
To: [Alissa Angelo](#)
Subject: Downtown Ordinance Comments
Date: Monday, October 29, 2018 9:09:50 AM

Name
James Taylor

Email:
jETAUTOANDREPAIR@GMAIL.COM

Downtown Business Name
JET AUTO AND REPAIR

Downtown Building Address
210 E Water

Please share your comments or concerns regarding Ordinance No. 1019

The problem I have with the no debris on the property is I run a automotive repair shop we have scrap metal that would be considered debris that gets put outside the building out of view from the street but is considered debris. We save the metal until there's enough to justify a trip to the scrap yard to recycle it instead of just throwing it away in the trash can and many times the items are too big or too heavy. Sometimes the items are plastic or shipping styrofoam that gets stored for a dump transfer station run. If I was not allowed to store scrap metal and other replaced parts the cost of operations would increase having a large dumpster on site also would not be as green for recycling. This also effects Flemming Autobody next to us with body repair. The smoking issue is a problem also I don't smoke and don't care to smell it but trying to ban smoking in the area just pushes people away when RDS is trying to get more people to visit. Yes the smoking is a touchy issue but with Oregon law stating a person needs to be at least 10 feet from a door way shuts down smoking along the majority of 3rd street thru the core of shops.

***** Email Details *****

From IP address: 207.55.53.67
Submitted date: 10/29/2018 11:09:40 AM ID: 506

From: [pennymarie0947](#)
To: [!CityofStayton](#)
Subject: Smoking Ban
Date: Wednesday, October 31, 2018 12:08:39 PM

My name is Penny Hall and I represent the Red Apple 333 n 2nd ave.

We are opposed to this type of ban because of the financial damage it would cause the bars and restaurants in the designated area.

Also, this targets a certain group of people that have been forced to smoke outside because they no longer can smoke inside.

Non smokers do not support these establishments to create a cash flow needed to keep them in business.

My full intention was to be at the meeting Monday night but I just found out I have to work and cannot attend.

There is a bigger picture here than what you are representing and the backlash is scary as to what doors this would open to all businesses in the designated area.

Our customers do not smoke on city sidewalks but I feel it necessary to support the businesses that their customers do.

Thank you
Penny Hall
503-932-7189

Sent from my Samsung Galaxy , an AT&T LTE smartphone

From: aangelo@ci.stayton.or.us
To: [Alissa Angelo](#)
Subject: Downtown Ordinance Comments
Date: Thursday, November 1, 2018 11:14:53 AM

Name
Linda Williams

Email:
ljwilli3@hotmail.com

Downtown Business Name
Not So Shabby

Downtown Building Address
618 N 2nd Ave Stayton or 97383

Please share your comments or concerns regarding Ordinance No. 1019
I think the ordinance covered things that need to be enforced in the core area as specified. I
say reinstate them.

***** Email Details *****

From IP address: 64.130.195.83
Submitted date: 11/1/2018 1:14:45 PM ID: 508

From: jtemplin@santiamescrowinc.com
To: [!CityofStayton](#)
Subject: Ordinance NO 1019
Date: Thursday, November 1, 2018 1:12:07 PM

With regard to the Letter sent to Downtown Stakeholders:

I would suggest that in Sections 2 and 3 any reference to the Downtown Core be eliminated.

We are A City ! If something is Good for the "Core", it is good for the whole City.

Jim

**JAMES R. TEMPLIN CSCEO
SANTIAM ESCROW INC.
216 E VIRGINIA ST.
STAYTON, OR 97383**

Your best source for Collection Escrow Services !



OREGON PUBLIC HEALTH DIVISION
Health Promotion & Chronic Disease Prevention Section

800 NE Oregon Street, Suite 730
Portland, OR 97232
Voice: (971) 673-0984



The Oregon Indoor Clean Air Act (ICAA): a guide for owners of restaurants, bars and other businesses

Why should I read this guide?

The Oregon **Indoor Clean Air Act**: a guide for owners of restaurants, bars and other businesses is intended to help businesses understand the ICAA and remain compliant with the law. It was developed at the Oregon Health Authority (OHA) with input from local businesses.

Those who use the manual are welcomed to submit feedback and ideas at any time to MoreFreshAir@state.or.us.



**NO SMOKING
OR VAPING
WITHIN 10 FEET**



Under Oregon's Indoor Clean Air Act this business is smoke, aerosol and vapor free (ORS 433.835-870). Smoking, aerosolizing or vaporizing of inhalants is not allowed within 10 feet of building entrances, exits, windows, accessibility ramps and air intake vents.

For information and complaints:
1-866-621-6107 or <http://healthoregon.org/morefreshair>

Want to quit smoking?
1-800-QUIT-NOW (800-784-8669)
or 1-855-DEJALO-YA (Español)

SMOKEFREE
oregon

What is the ICAA?

The ICAA **protects all Oregonians** from the harms of secondhand smoke. Also known as the Smoke-free Workplace Law, the ICAA creates smoke free public places and places of employment with the intent of protecting the health of employees and the public. Tobacco remains the main cause of preventable death and disease in the United States, including in Oregon.

The ICAA applies to smoking, vaporizing and aerosolizing of inhalants in and around **public places and places of employment**. A public place is defined as “an enclosed area open to the public.” ([ORS 433.835-433.875](#)) A place of employment is defined as “an enclosed area under the control of a public or private employer, including work areas, employee lounges, vehicles that are operated in the course of an employer’s business and that are not operated exclusively by one employee, restrooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.”

Businesses are not required to allow smoking on the premises. At any time, an owner may designate his/her entire business premises tobacco-free or smoke-free.

Under the ICAA, for public places and places of employment, smoking, vaporizing and aerosolizing of inhalants is also prohibited within 10 feet of all entrances (including stairs), exits (including stairs), and accessibility ramps that lead to and from an entrance or exit, windows that open and air-intake vents. This is because smoke, vapor or aerosol enters buildings through these openings and creates areas where the air is no longer clean. In addition, these areas must be clear of smoke, vapor and aerosol to allow employees and customers to enter and exit the business without being exposed to secondhand smoke. Click the links to see the [statute](#)* and [rules](#).

***Note:** Oregonlegislature.gov updates legislation every two years. As of January 2018, the 2015 edition is currently online. To see changes to the law that are not reflected online: [Senate Bill 754](#) and [Senate Bill 235](#).

What are tobacco products and inhalant delivery systems?



An **inhalant delivery system (IDS)** is a device used to deliver nicotine or cannabinoids, such as marijuana, in the form of a vapor or aerosol. These are products such as e-cigarettes and heatsticks. IDS also includes the components of these types of devices such as e-liquids and cartridges.

Tobacco products are products prepared in a manner that makes the tobacco suitable for chewing or smoking in a pipe or other device. Examples of tobacco products are cigarettes, cigars, stogies, chewing tobacco, snus, and other forms of tobacco used for chewing or smoking. **Tobacco products** also include **devices that can be used to deliver tobacco** products such as standard pipes and glass pipes.



You can find the technical definitions of these products by looking at the statute (ORS [431A.175](#), [431A.183](#), [323.010](#)).

How do I know if the ICAA applies to my business?

All workplaces and enclosed public places must be smoke, vapor and aerosol free. This includes work vehicles that are not operated exclusively by one employee as well as hotels and motels with an exception (see below).

Some cities and counties in Oregon have enacted local smoke free workplace laws. Employers must comply with all local laws, which are stricter than the state law. OHA enforces the state law only.

Businesses are not required to allow smoking on the premises. At any time, an owner may designate his/her entire business premises tobacco free or smoke free.

Exceptions to the ICAA include:

- Smoking tobacco products in certified smoke shops
- Smoking cigars in certified cigar bars
- Smoking in hotel or motel rooms that are designated as smoking allowed (may not exceed 25% of sleeping rooms)
- Smoking of non-commercial tobacco for American Indian ceremonial purposes

The ICAA does not apply on tribal lands.



As an employer, it is your responsibility to ensure that your workplace is smoke, aerosol and vapor free. **All employers are subject to the ICAA.**

What do I have to do to comply with the law?

As an employer, it is your responsibility to ensure that your workplace is smoke, aerosol and vapor free. **All employers are subject to the ICAA.** Employers are required to:

- Prohibit smoking, aerosolizing or vaporizing in the workplace and within 10 feet of all entrances, exits, accessibility ramps that lead to and from an entrance or exit, windows that open and air-intake vents.
- Post "**No Smoking or Vaping within 10 feet**" signs at all building entrances and exits ([decals are available for download and printing](#)).
- Remove all ashtrays and other receptacles for smoking debris from your workplace and from within 10 feet of entrances, exits, accessibility ramps that lead to and from an entrance or exit windows, and ventilation intakes.
- Ensure that outdoor seating areas where smoking is allowed are not enclosed.
- Mark as non-smoking/aerosolizing/vaporizing outdoor seating or dining areas that are within 10 feet of entrances, exits and accessibility ramps that lead to and from an entrance or exit, windows that open and ventilation intakes.

Other steps you can take to make sure your business is in compliance with the law:

- Make sure **all employees are informed** about the law and how to comply.
- Talk with your customers about the law.
- **Provide training** to employees on how to ask visitors and patrons not to smoke, aerosolize or vaporize.
- Encourage employees who use tobacco to quit. Encourage them to visit www.quitnow.net/oregon or call Oregon's toll-free **QUIT LINE at 800-QUIT-NOW (800-784-8669)** or, for Spanish, **855-DEJELO-YA (855-335356-92)**.
- Review ICAA rules and requirements [OAR 333-0015-0025 to 333-015-0085](#).

Does this law apply to smoke shops?

Yes. Smoke shops are certified by OHA and smoking of certain tobacco products is allowed inside the premises. Vaping is not allowed in certified smoke shops. Certified smoke shops receive one unannounced site visit each year as part of the certification. In addition, smoke shops may receive site visits triggered by complaints from the public.

Encourage employees who use tobacco to quit. Encourage them to visit www.quitnow.net/oregon or call Oregon's toll-free **QUIT LINE at 800-QUIT-NOW (800-784-8669)** or, for Spanish, **855-DEJELO-YA (855-335356-92)**.

How is the law enforced?

The ICAA is a complaint-driven law. That means that enforcement activities do not take place without a complaint from a member of the public, including employees of the business. Businesses must receive at least two complaints before an inspector visits the business. After the first complaint, businesses receive a letter explaining the law and how to comply.

Employees and the public may report violations of the law by completing an [online complaint form](#) or by calling **1-866-621-6107**.

Complaints will be investigated and violations pursued. The Oregon Health Authority designates Local Public Health Authorities (LPHA) to follow up on all complaints on behalf of OHA. Employers must permit OHA or OHA's designee to inspect any and all parts of the premises (OAR 333-015-0075(2)(c)). In this guide, the term "inspector" refers to a representative of the LPHA who is responsible for conducting education and remediation with businesses on behalf of the state.



Failure to comply with the law may result in a fine of up to \$500 per day for each violation and/or further legal action such as an injunction where there are multiple violations.

Businesses are given at least **three opportunities to come into compliance** with the ICAA before OHA considers civil action. Letters and visits by inspectors with education and assistance take place when complaints are received from the public. When businesses do not comply with the law after working with inspectors, OHA may take civil action.

Employees and the public may report violations of the law by completing an [online complaint form](#) or by calling **1-866-621-6107**.

What to expect during a site visit

The inspector will follow the steps listed below when conducting a site visit. Please **allow the inspector** to do the following to ensure accuracy and completeness:

1. Take pictures and/or video documenting compliance and/or violations
 2. Inspect the entire property. It is a violation of the ICAA to prohibit the inspector from inspecting all or any part of the premises, including areas not open to the public.
- **Site visits are conducted during business operating hours.**
 - **Upon entering the business, inspectors will identify themselves to an employee and ask to speak to a manager or owner.**
 - **Inspectors will explain the purpose of their visit to the employee. The employee that works with the inspector is called the Person In Charge (PIC).**
 - ⇒ Inspectors will further explain that the ICAA is a complaint-driven law and that, on behalf of the state, LPHA are required to follow up on all complaints.
 - **Inspectors will inspect the premises.**
 - ⇒ They will **request access to all areas** of the business, including those areas that are not open to the public. If access is denied, the inspectors will refer the refusal to OHA for imposition of civil penalties.
 - ⇒ They will use a tape measure if there are questions about the distances from entrances, exits, accessibility ramps, windows that open and ventilation intakes. Note that stairs are included in “entrances” and “exits,” therefore smoking and vaping should not occur within 10 ft. of stairs.
 - **If the business is a smoke shop:**
 - ⇒ Inspectors will explain to the employee whether the site visit is an annual inspection or a site visit related to a complaint.
 - **If your business has a potential outside enclosed area*:**
 - ⇒ The inspectors **may take several photos** of the area, both inside and outside of the structure.
 - **The inspector will explain the inspection results, including any violations, to the PIC and check any violations on the Site Visit Form(s). They will also obtain the PIC’s signature.**
 - ⇒ They will record the PIC’s name and contact information on the site visit form(s).
 - ⇒ They will double-check that the correct boxes are checked on the site visit form(s).
 - ⇒ If needed, they will discuss a remediation plan with the PIC and confirm that he/she understands what needs to take place to come into compliance with the law.
 - ⇒ They will confirm with the PIC the date by which the remediation plan must be completed.
 - ⇒ They will inform the PIC that a remediation plan site visit will be unannounced.
 - ⇒ They will sign and date the Investigator line and have the PIC sign and date on the appropriate line.
 - ⇒ They will leave a copy of the site visit form(s) with the PIC.
- **If a remediation or post-remediation site visit is conducted, the steps above will be followed using the associated remediation or post-remediation forms.**
 - **If a business does not complete the remediation plan or has additional violations:** When an inspector returns to check for compliance with the remediation plan, the case will be forwarded to OHA for consideration of civil penalties. **If violations of the ICAA are discovered on a remediation or post-remediation site visit, the inspectors will refer the matter to OHA for imposition of civil penalties.**

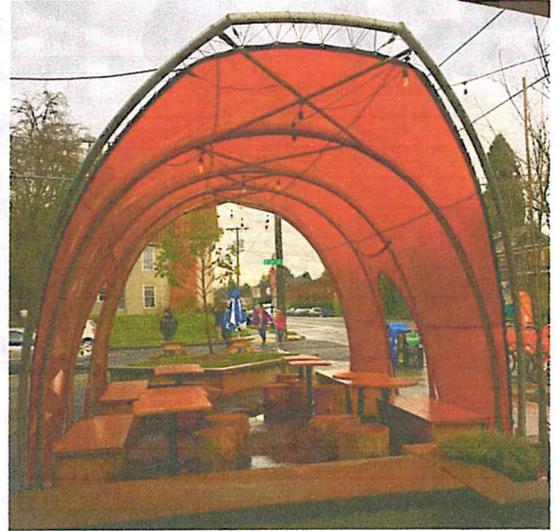


Outside Enclosed Areas*

What is a potential outside enclosed area?

A potential outside enclosed area is a structure that is outside the main premises of a business, but is associated with the business. These are areas in which clients, patrons, employees, residents or other users might smoke or are permitted by the business to smoke or vape tobacco products or inhalant delivery systems, but potentially meets the definition of an enclosed area. An outside enclosed area could also be a stairwell, an outside apartment hallway or other structure that is not designated or designed for smoking.

Enclosed area is defined in Oregon Laws 2017, Chapter 732 (Senate Bill 235) as “the entirety of the space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.”



In the Oregon Administrative Rules (333-015-0030), the definition of a “wall” is: any architectural partition, permanent or temporary, with a height and length greater than its thickness, used to divide or enclose an area or to support another structure. Walls include, but are not limited to, partitions constructed of plastic, mesh or other screening materials, slats louvered blinds, fabric, or blankets, and partitions with latticing or other open frameworks.

If an inspector determines that the business has a potential outside enclosed area, he or she will notify the person in charge, take photos and/or video of the area and record notes. This documentation is forwarded to OHA for consideration.

The inspectors will indicate on the inspection form that the business has a potential outside enclosed area and that OHA will further review the area before making a determination on whether the area will be enforced as an enclosed area.

If OHA determines the potential **outside enclosed area IS enclosed**:

- 👤 Within four weeks, the inspector will return and create a remediation plan with the business. The inspector will provide the business the enclosed area review form which contains the rationale for OHA’s determination. The inspector will create a remediation plan with the business.
- 👤 The inspector will return again to the business within 30 days of the remediation plan due date to ensure the outside smoking area remediation plan is complete.
- 👤 **If OHA determines the potential **outside enclosed area IS NOT enclosed**:** The inspector will either return to the business to provide detailed rationale on the enclosed area review form, or mail the form to the business.
- 👤 **If a business does not complete the remediation plan or has additional violations:** When an inspector returns to check for compliance with the remediation plan, the case will be forwarded to OHA for consideration of civil penalties. **If violations of the ICAA are discovered on a remediation or post-remediation site visit, the inspectors will refer the matter to OHA for imposition of civil penalties.**

If an inspector determines that the business has a potential outside enclosed area, he or she will notify the person in charge, **take photos and/or video** of the area and record notes.



Why won't an inspector or OHA just tell me how to build a smoking area?

Inspectors provide education to businesses on the ICAA and how businesses can comply with the law. OHA does not have a process for reviewing and approving structures and therefore does not direct businesses as they create or modify structures. While you may have conversations with inspectors about how to comply with the law, and share ideas, inspectors are not lawyers and conversations with inspectors are not legal advice. Businesses should consult legal counsel before creating or modifying structures.

I want to know who complained about my business. Can I find out?

All complaints received are public record. Complaints about potential violations of the ICAA can be made anonymously or the complainant may leave their name and contact information. If the complainant is anonymous, the inspector will tell you that. Businesses may make a formal records request to OHA to receive the contents of the complaint, including the name of the complainant.

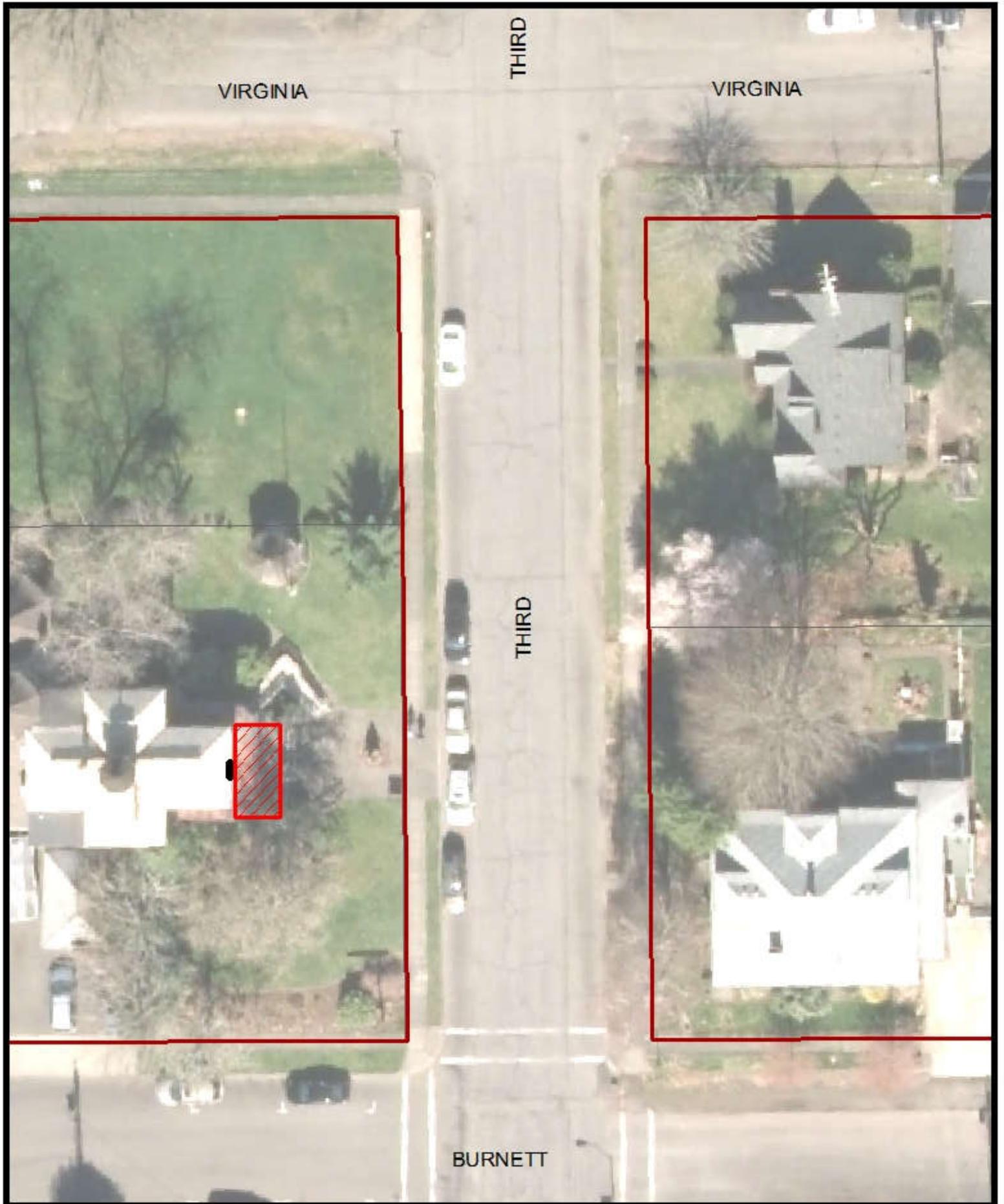
Click on the following links for more information:

- [Oregon's Indoor Clean Air Act](http://www.healthoregon.org/morefreshair) (www.healthoregon.org/morefreshair)
- [Enclosed Area Enforcement](#) (includes photos of outside areas)
- [Information for retailers of tobacco products and inhalant delivery systems](http://www.healthoregon.org/tobaccoretailsales) (www.healthoregon.org/tobaccoretailsales)

Contact your local public health authority or contact the Oregon Health Authority:

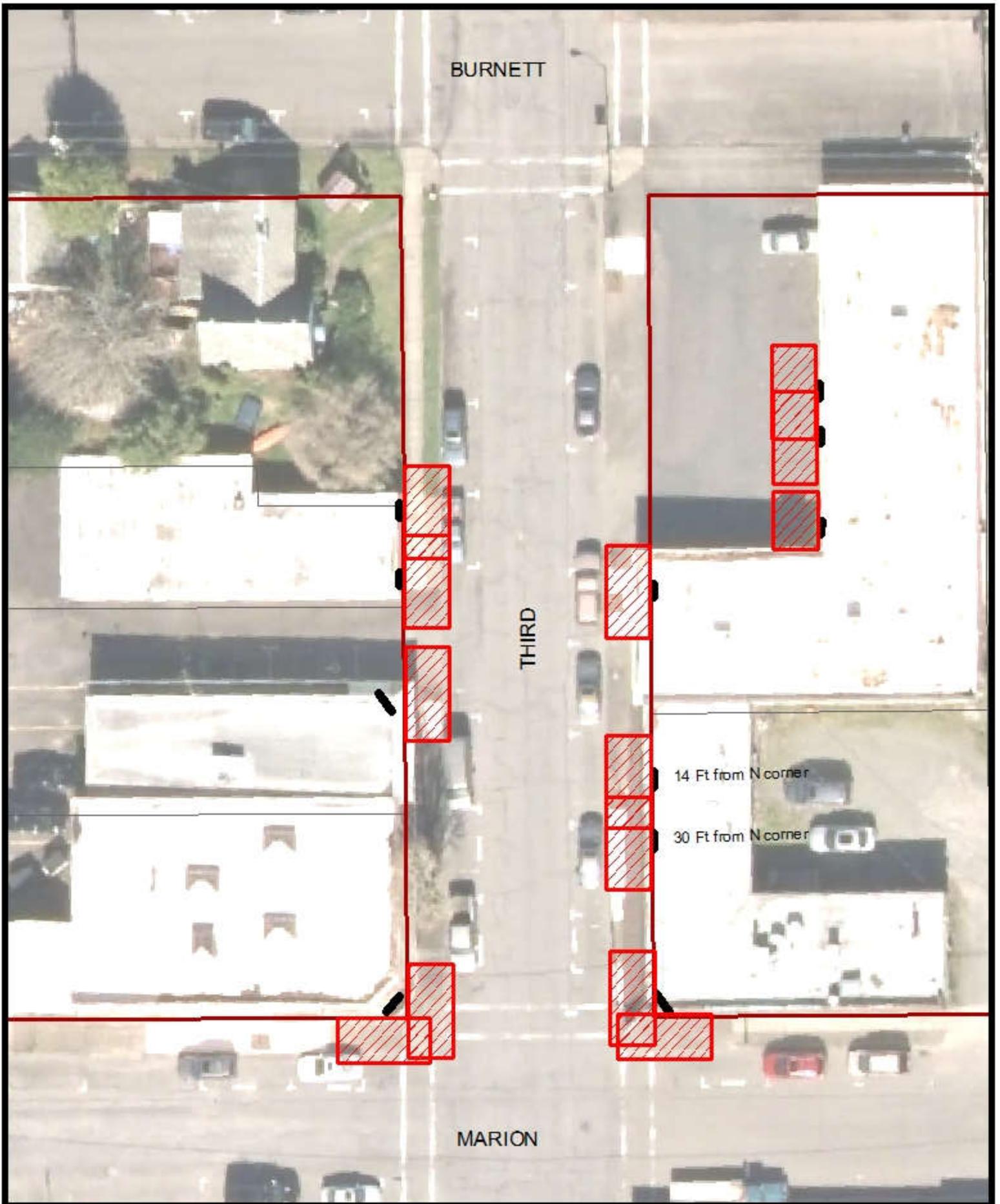
Voice: 971-673-0984 or email: MoreFreshAir@state.or.us

OHA No Smoking Zones Third Avenue
Virginia to Burnett



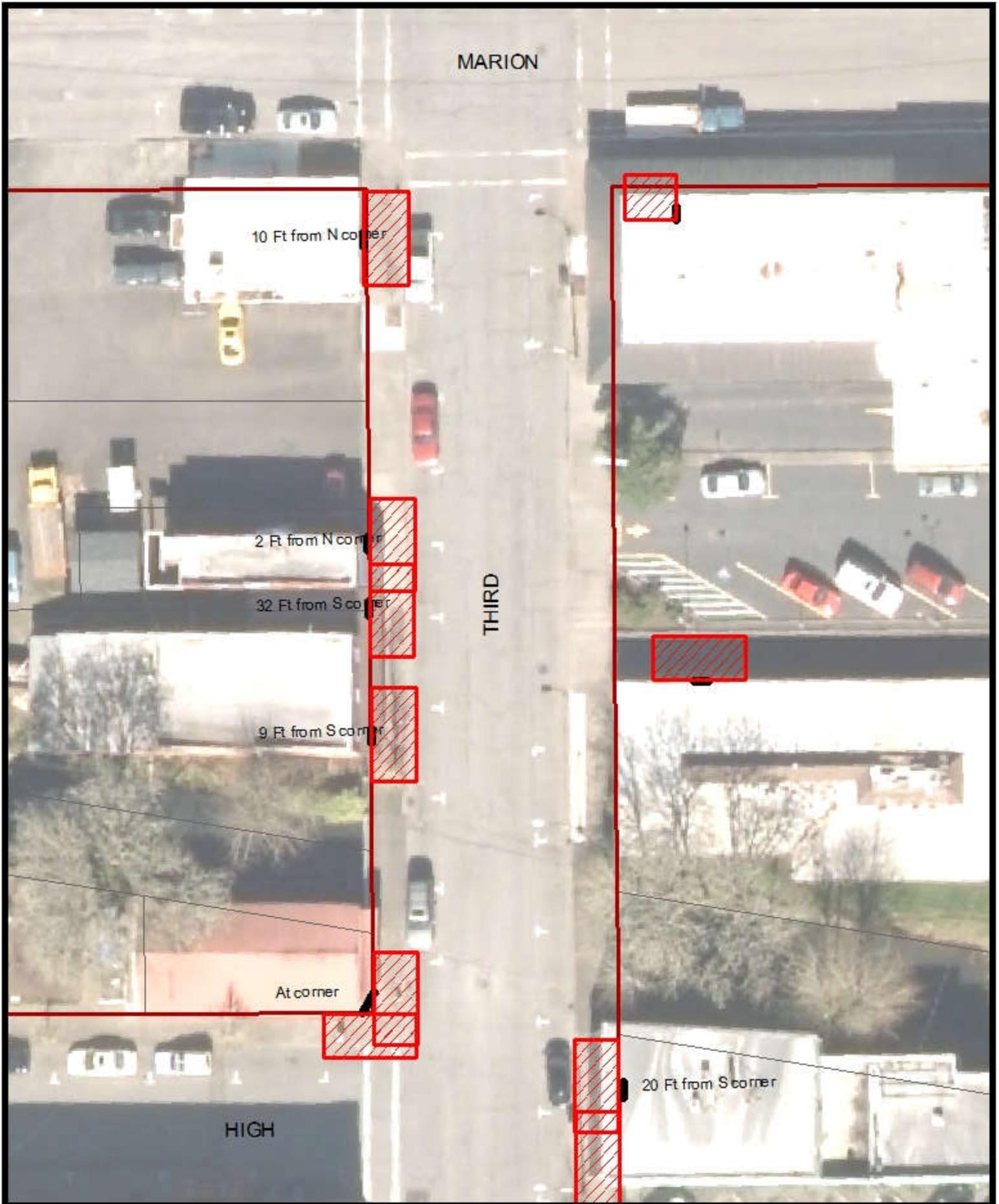
1 inch = 30 feet

OHA No Smoking Zones Third Avenue
Burnett to Marion



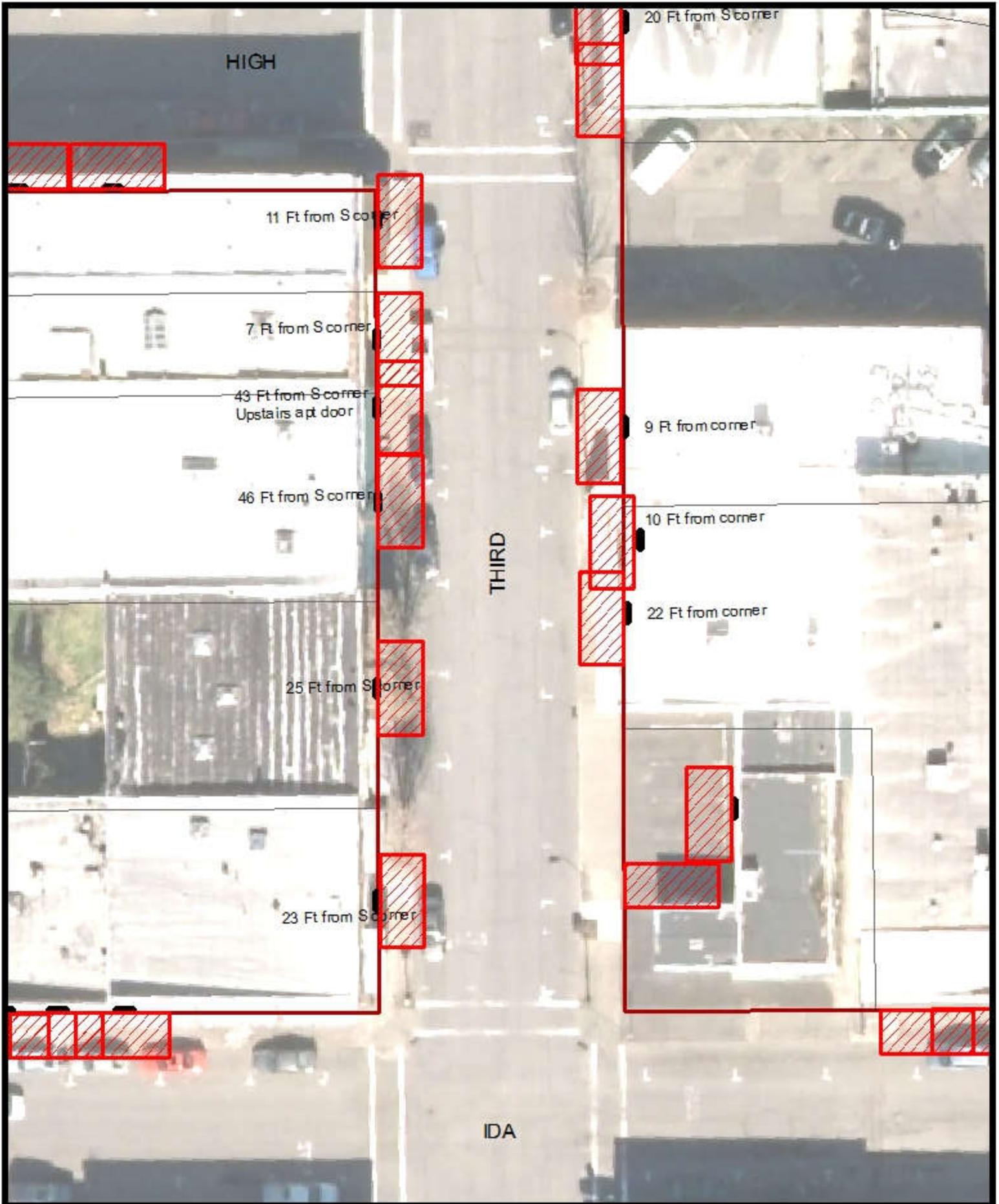
1 inch = 30 feet

OHA No Smoking Zones Third Avenue
Marion to High



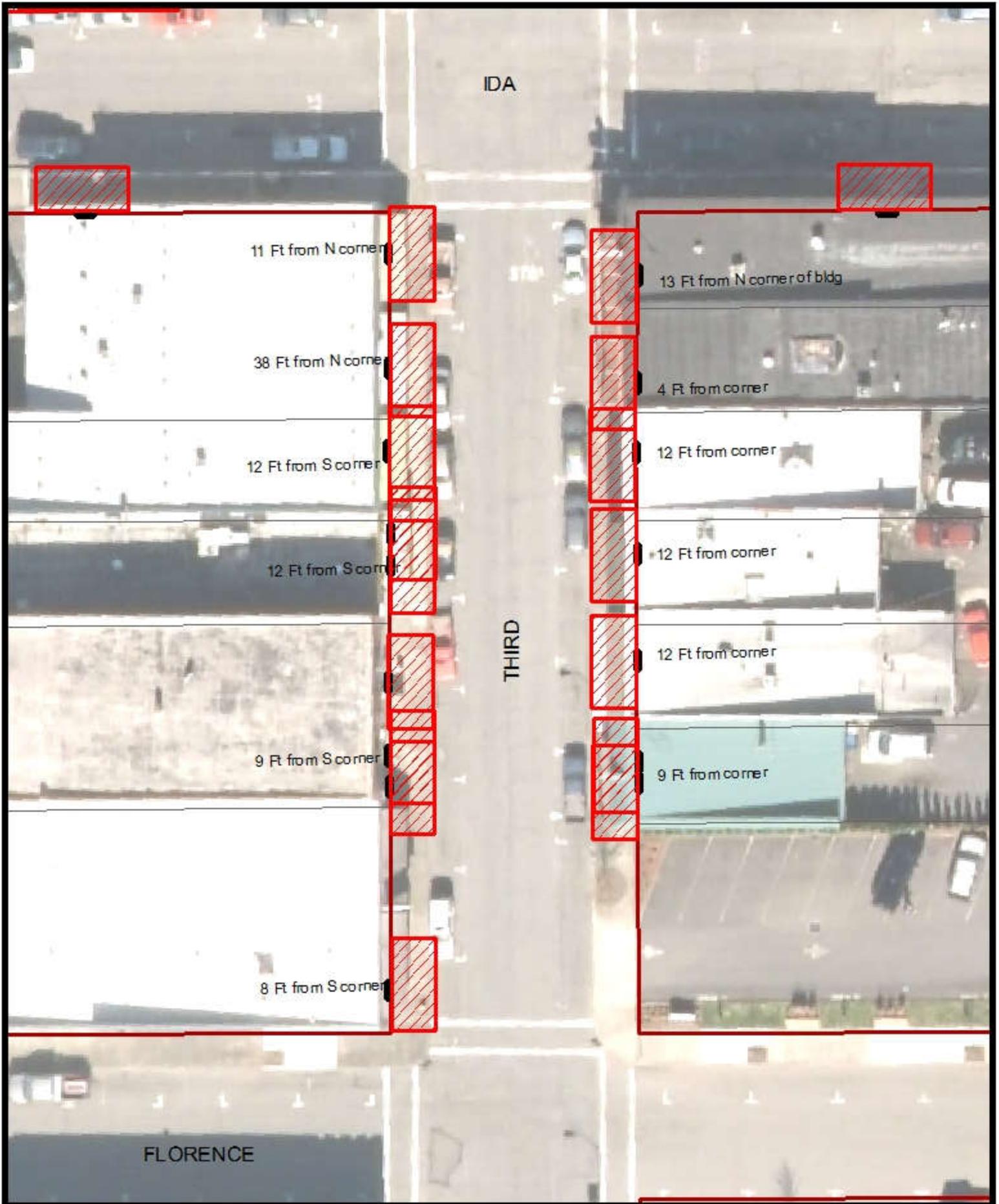
1 inch = 30 feet

OHA No Smoking Zones Third Avenue
High to Ida



1 inch = 30 feet

OHA No Smoking Zones Third Avenue
Ida to Florence



1 inch = 30 feet

OHA No Smoking Zones
Florence to Water



1 inch = 30 feet