

ORDINANCE NO. 811

AN ORDINANCE RELATING TO THE OREGON REVISED STATUTES (“ORS”) REFERENCED IN THE STAYTON MUNICIPAL CODE (“SMC”); AMENDING ALL SMC SECTIONS REFERENCING ORS SECTIONS THAT WERE AMENDED OR REPEALED BY OREGON LAWS, 1999 REGULAR SESSION; ADOPTING THOSE ORS SECTIONS AS AMENDED, AND REPEALING THOSE ORS SECTIONS REPEALED BY OREGON LAWS, 1999 LEGISLATURE’S REGULAR SESSION.

BE IT ORDAINED BY THE CITY OF STAYTON THAT:

Authority: This Ordinance is adopted under the authority of and pursuant to Oregon laws, and the authority of the City of Stayton under the Charter of the City of Stayton.

Incorporation to Existing Ordinances: All ordinances and sections of the Stayton Municipal Code (SMC) referencing Oregon Revised Statutes (“ORS/Ch.”) are hereby amended to reflect those amendments and repeals of the Oregon Revised Statutes as provided in Oregon Laws, 1999 Legislature’s Regular Session.

DIVISION 1. GENERAL PROVISIONS

Section 1A. Short Title. This ordinance shall be known as the “1999 Oregon Revised Statutes Incorporation Ordinance” and cited herein as “ordinance”.

Section 1B. Purposes, Policy and Scope. In the interest of facilitating consistency between references to the Oregon Revised Statutes in the Stayton Municipal Code, and amendments and repeals to the Oregon Revised Statutes by the Oregon Session Laws, 1999 Legislature’s Regular Session, it is the policy and intent of the City of Stayton to adopt all amendments to and repeals of, as provided in the Oregon Laws, 1999 Legislature’s Regular Session, of the Oregon Revised Statutes provisions referenced in the Stayton Municipal Code.

DIVISION 2. SPECIFIC AMENDMENTS

Section 2A. Adoption of Amended Oregon Revised Statute Provisions. The following Oregon Revised Statutes are adopted as amended, and apply to any and all sections of the Stayton Municipal Code wherein they are referenced.

TITLE 2. ADMINISTRATION AND PERSONNEL

Title 2, Chapter 34: Transportation Committee

SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
2.34.870	Meetings	192.650	Grammatical change only
	Meetings	192.690	Clarifies the status and confidentiality of Lawyer assistance programs, and exemption from public meeting laws.

Title 2, Chapter 36: Planning Commission

SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
2.36.930(5)	Rules and Regulations	192.650	See SMC Sect. 2.34.870
	Rules and Regulations	192.690	Same as above
2.36.940(2)	Approval of Plans/Plats	92.044	Numerical reference change in c only
	Approval of Plans/Plats	92.046	Numerical reference change in c only
	Approval of Plans/Plats	92.050	Grammatical change in subsections (1) and (2), deletion of subsections (9) and (10), and renumbering therewith
	Approval of Plans/Plats	92.055	Numerical reference change
	Approval of Plans/Plats	92.060	New reference added; changes word "interior" to word "remaining"
	Approval of Plans/Plats	92.065	New reference added; changes word "interior" to word "remaining"
	Approval of Plans/Plats	92.070	Changes word "interior" to word "remaining"
	Approval of Plans/Plats	92.080	Deletes specific type of copy to be made; adds who may set requirements for type of copy
	Approval of Plans/Plats	92.100	Changes compliance; adds numerical reference
	Approval of Plans/Plats	92.120	Changes word "filed" to word "recorded"; changes actual process of recording and storage
	Approval of Plans/Plats	92.140	Clarifies current language of statute
	Approval of Plans/Plats	92.170	Clarifies language is subsection (5); subsection (6) states no changes are to be made on original plat after recording
	Planning And Zoning Hearing and Review	227-160-227.185	Adds new sections to ORS 227.160-227.185
	Planning and Zoning Hearings and Review	227.173	Adds subsection (2) which requires any "approval standards" must be "clear and objective on the face of the ordinance"; numerical change therewith
	Planning and Zoning Hearings and Review	227.175	Separates the notice and hearing requirements; numerical change therewith; replaces "Department of Transportation" with "Oregon Department of Aviation"; grammatical change in subsection (8)
	Planning and Zoning Hearings and Review	227.178	Prohibits applicant from filing writ within 14 days of preliminary decision; local government retains jurisdiction until a writ is filed
2.36.950(2)	Planning Commission Training and Education	All of Ch. 92 & 227	Affects same sections in Chapters 92 and 227 as noted above

Title 2, Chapter 44: Emergency Management Plan

SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
2.44.1020	Emergency Management and Services	401.025	Replaces "Department of Transportation" with "Oregon Department of Aviation"

TITLE 3. REVENUE AND FINANCE**Title 3, Chapter 4: Public Contracts**

SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
3.04.070(4)	Public Contracts and Purchasing	279.045(3)	Change made and nullified

TITLE 8. HEALTH & SAFETY**Title 8, Chapter 16: Control of Insect Pests**

SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
8.16.780	Governing Bodies	203.065	Makes violations of county government a Class A violation; deletes max/min fine provision
	Governing Bodies	203.079	Prohibits issuance of a citation for unlawful camping two hours before/after posting a notice if the citation would be issued within 200 feet of notice
	Governing Bodies	203.810	Eliminates obsolete references to recorder's courts and police judges

TITLE 9. PUBLIC PEACE, MORALS AND WELFARE**Title 9, Chapter 4: Adoption of State Law**

SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
9.04.010	Crimes and Punishments Principles	161.062	Repealed: does not affect any other section of the ORS Section 161 referenced in the SMC
	Crimes and Punishments Responsibility	161.325	Amended to allow for mouth cavity swab samples
	Crimes and Punishments Responsibility	161.370	Change made and nullified
	Crimes and Punishments Classes of Offenses	161.505-161.585	Adds new sections to ORS 161.505-161.585
	Crimes and Punishments Classes of Offenses	161.505	Modifies reference
	Crimes and Punishments Disposition of Offenders	161.565	Repealed: does not affect any other section of the ORS Section 161 referenced in the SMC
	Crimes and Punishments Disposition of Offenders	161.575	Repealed: does not affect any other section of the ORS Section 161 referenced in the SMC
	Crimes and Punishments Disposition of Offenders	161.610	Court is not required to impose minimum term under statute if defendant was waived from juvenile court
	Crimes and Punishments Disposition of Offenders	161.620	Numbering change to compliment change to ORS 161.610

Title 9, Chapter 4: Adoption of State Law Continued

	Crimes and Punishments Disposition of Offenders	161.635	Deletes max fine for violation of wildlife laws; numbering change therewith
	Disposition of Offenders	161.655	Deletes max fine for conviction of a violation
	Authority of Sentencing Court	161.735	Shifts burden to pay for mental health examination from the county to the State
	Escape, Contraband and Failure to Appear	162.135	Redefines "contraband"; numbering change therewith
	Escape, Contraband and Failure to Appear	162.195	Allows for the issuance of a citation for a crime with or without a criminal complaint
	Obstructing Governmental Administration	162.245	Classifies existing crime as Class B violation

	Obstructing Governmental Administration	162.247	Clarifies existing law
	Obstructing Governmental Administration	162.255	Classifies existing crime as Class B violation
	Obstructing Governmental Administration	162.385	Changes reference to ORS sections
	Homicide	163.105	Allows for convicted murder sentenced to life to be released to post-prison supervision if parole board find defendant is rehabilitated
	Homicide	163.115	Upon petition of prisoner, Parole Board shall hold a hearing to determine likelihood of prisoner rehabilitation
	Homicide	163.125	Deletes affirmative defense based upon religion or faith
	Homicide	163.150	Creates new provisions related to the death penalty; revises procedure for the issuance of a death warrant; number changes therewith
	Assault and Related Offenses	163.160	Provides that domestic assault is a Class C felony if convicted three times of domestic related assault, or if in the presence of a related minor child
	Assault and Related Offenses	163.165	Provides that a person who "intentionally or knowingly propels any dangerous substance" at a person known to be a staff member at a youth detention facility is assault in the 3 rd degree
	Assault and Related Offenses	163.197	Deletes max fine for hazing and classifies as either Class A or B violation
	Assault and Related Offenses	163.206	Clarifies existing law
	Assault and Related Offenses	163.208	Removes emergency medical technician as a public safety officer
	Sexual Offenses	163.305-163.465	Adds new sections to ORS 163.305-163.465
	Sexual Offenses	163.305	Grammatically restructures the definition of "forcible compulsion"; numbering change therewith
	Sexual Offenses	163.315	Provides that the court may consider lack of resistance as an implied consent; structural change
	Sexual Offenses	163.345	Change made and nullified
	Sexual Offenses	163.465	Prior conviction for public indecency raises to Class C felony; numbering change therewith
	Offenses Against Family	163.555	Denies defense based upon prayer or religious faith
	Offenses Against Family	163.575	Classifies endangering welfare of minor as Class A violation and does away with max fine

Title 9, Chapter 4: Adoption of State Law Continued

	Offenses Against Family	163.577	Classifies failing to supervise a child as Class A violation and does away with max fine
	Offenses Against Family	163.580	Classifies the sale of smoking devices to a minor as a Class B violation
	Stalking	163.735	Adds to the requisite form for a citation issued for stalking to include federal laws and provision thereof
	Stalking	163.738	Adds to the existing law notice of the federal liability for possession of a firearm; numbering change therewith
	Stalking	163.741	Provides for the addition to State and Federal databases any protective stalking order issued; spelling change in (1) only; numbering change therewith
	Burglary and Criminal Trespass	164.235	Grammatical change only
	Burglary and Criminal Trespass	164.245	Expands existing trespassing law to include entry via a motor vehicle
	Burglary and Criminal Trespass	164.255	Expands existing trespassing law to include railroad yards, tracks, bridges or rights away
	Criminal Mischief and Related Offenses	164.365	Raises the minimum amount of damage caused from \$500 to \$750; substitute term "utility" for term "carrier"; grammatical change in (2)(f) only
	Graffiti Related Offenses	164.383	Classifies applying graffiti as Class A violations; deletes max fine; numbering change therewith
	Graffiti Related Offenses	164.386	Classifies possession of graffiti implements as Class C violation; deletes max fine; numbering change therewith
	Graffiti Related Offenses	164.388	Amended to not preempt other prosecution under ORS
	Littering	164.775	Changes reference in subsection (5) only
	Business and Commercial Offenses	165.114	Classifies a violation of this section as a Class A violation and removes the max fine
	Treason, Riot, Disorderly Conduct and Related Offenses	166.076	Clarifies existing law
	Treason, Riot, Disorderly Conduct and Related Offenses	166.090	Removes the requirement of causing the person being called to actually answer the phone
	Authority to Regulate Firearms	166.173	Adds court facility to list of public places
	Possession and Use of Weapons	166.210	Amends the definition of "handgun"
	Possession and Use of Weapons	166.240	Grammatical change only
	Possession and Use of Weapons	166.250	Deletes the references in subsections (1)(a) and (1)(b)
	Possession and Use of Weapons	166.260	Subsection (1)(d) clarifies existing law; subsection (1)(h) exempts person licensed under other ORS sections; Subsection (3) allows for affirmative defense
	Possession and Use of Weapons	166.270	Definitional change only
	Possession and Use of Weapons	166.291	Adds reference to other ORS sections; numbering change therewith
	Possession and Use of Weapons	166.293	Deletes requirement that a violation occur before revoking weapons license; numbering change therewith

Title 9, Chapter 4: Adoption of State Law Continued			
	Possession of Firearm in Public Building	166.360	Reclassifies "court facility" as it owns subsection; defines "weapon"; numbering change therewith; clarifies public building
	Possession of Firearm in Public Building	166.370	Adds subsection relating specifically to court facility; subsection (3)(c) clarifies existing law; allows for affirmative defense; numbering change therewith
	Miscellaneous	166.663	Classifies a violation as a Class B violation
	Racketeering	166.715	Reference change only
	Gambling Offenses	167.117	Adds exemption for Oregon Lottery Commission devices; definitional and numbering changes therewith
	Gambling Offenses	167.118	Grammatical change in subsection (1) only; removes max wager provision in subsection (6); numbering change therewith
	Gambling Offenses	167.162	Grammatical change only
	Offenses Involving Controlled Substances	167.222	Classifies violation as Class D violation; deletes max fine
	Offenses Against Animals	167.310	Reference change only
	Offenses Against Animals	167.387	Reference change only
	Offenses Involving Tobacco	167.400	Classifies violation as Class D violation; deletes max fine
	Offenses Involving Tobacco	167.402	Classifies violation as Class B violation; deletes max fine
	Miscellaneous	167.830	Classifies violation as Class D violation; deletes max fine
	Miscellaneous	167.870	Repealed: does not affect any other section of the ORS Section 167 referenced in the SMC

TITLE 10. VEHICLES & TRAFFIC			
Title 10, Chapter 12: Stopping, Standing, and Parking			
SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
10.12.210(3)	Parking, Stopping and Standing	811.600	Clarifies purpose of fees collected; raises fees from \$2 to \$5, \$3.50 to \$10, and \$10 to \$30
	Parking, Stopping and Standing	811.604	Changes "certified physician assistant" to "licensed physician assistant"
	Parking, Stopping and Standing	811.607	Lengthens life of placards from four to eight years
	Parking, Stopping and Standing	811.609	Lengthens life of placards from four to eight years
	Parking, Stopping and Standing	811.611	Changes "certified physician assistant" to "licensed physician assistant"
	Parking, Stopping and Standing	811.637	Redefines privileges of disabled parking placard; lengthens time from 30 minutes to 3 hours; excepts thirty minute or less parking zones
	Parking, Stopping and Standing	811.640	Changes fees for renewal and replacement of placard

TITLE 12. STREETS, SIDEWALKS AND PUBLIC PLACES			
Title 12, Chapter 4: Construction and Maintenance of Streets, Sidewalks and Curbs			
SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
12.04.092(c)	Oregon Utility Notification Center	757.547	Increases numbers served from 15,000 to 50,000
	Oregon Utility Notification Center	757.552	Increases numbers served from 15,000 to 50,000

TITLE 13. PUBLIC SERVICES			
Title 13, Chapter 12: Systems Development Charge			
SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
13.12.230(1)	Chapter 294	Ch. 294	Adds new sections to ORS Chapter 294
	County and Municipal Financial Administration	294.035	Requires a surety to be in an amount not less than 10%, instead of equal to that amount
	Publication of Reports of Financial Officers	294.230	Repealed: does not affect any other section of the ORS Section 294 referenced in the SMC
	Publication of Reports of Financial Officers	294.235	Repealed: does not affect any other section of the ORS Section 294 referenced in the SMC
	Publication of Reports of Financial Officers	294.240	Repealed: does not affect any other section of the ORS Section 294 referenced in the SMC
	Publication of Reports of Financial Officers	294.245	Repealed: does not affect any other section of the ORS Section 294 referenced in the SMC
	Local Budget Law	294.311	Adds definition of "intergovernmental entity"; numbering change therewith
	Local Budget Law	294.316	Grammatical change in subsections (6) and (9); clarifies with "during the ensuing year"
	Local Budget Law	294.326	Allows for an estimated amount of ad valorem taxes
	Local Budget Law	294.361	Grammatical change; deletes "forfeited bail"; deletes reference in subsection (2); adds to exemption from budget resources; numbering change therewith
	Local Budget Law	294.381	Completely rewritten to create new manner for estimating the amount of revenues to be received in the ensuing tax year via ad valorem taxes
	Local Budget Law	294.401	Allows for notice and comment on budgetary issues
	Local Budget Law	294.406	Clarifies current law; reference change in subsection (2)
	Local Budget Law	294.411	Clarifies in accordance with current changes in other sections of the ORS
	Local Budget Law	294.421	Deletes requirement to publish summary of approved budget document; numbering change therewith
	Local Budget Law	294.425	Reference change only
	Local Budget Law	294.435	Replaces word "taxes" with phrase "tax amount or rate"
	Local Budget Law	294.450	Requires municipality to include in its budget any taxes, fess, etc that are paid on a pass through basis to another
	Local Budget Law	294.460	Limits funds that can be loaned from one fund to another; numbering change therewith

Title 13, Chapter 12: Systems Development Charge Continued			
	Local Budget Law	294.465	Repealed: does not affect any other section of the ORS Section 294 referenced in the SMC
	Local Budget Law	294.480	Deletes the references to publication of the budget; reference changes
	Local Budget Law	294.485	Expands from one taxpayer to 10 taxpayers the number required to appeal to the tax court; clarifies which tax court
	Local Budget Law	294.525	Deletes reference; numbering change therewith
	Tax Supervising and Conservation Committee	294.630	Raises appropriations excess amount from \$230,000 to \$280,000
	Tax Supervising and Conservation Committee	294.645	Changes word "hearings" to word "hearing"; removes reference to publication of budget
	Tax Supervising and Conservation Committee	294.655	Changes notification requirement to 30 days prior to the filing for the election
	Tax Supervising and Conservation Committee	294.665	Changes annual auditor report requirements
	Local Government Investment Pool	294.865	Raises the max basis points from ".25" to ".435"; grammatical changes
	Local Government Investment Pool	294.882	Grammatical changes only
	Penalties	294.990	Deletes reference in subsection (1) only

Title 13, Chapter 20: Control of Cross Connections			
SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
13.20.680	Penalties	448.990	Reference change only

TITLE 17. ZONING			
Title 17, Chapter 4: General Provisions			
SMC Sect.	ORS Code Subject	ORS #	Summary of Changes
17.04.100	Chapter 100	Ch. 100	Adds new sections to ORS Chapter 100
	General Provisions	100.005	Deletes definition of "agent"; adds definition of "association property"; clarifies terms in subsection (16)(b); reference change in subsection (30); numbering change therewith
	General Provisions	100.020	Adds reference in subsection (2); clarifies terms in subsection (3)(b)(B)
	Creation of Unit Ownership	100.105	Adds references to ORS 100.115(2); deletes method of designation for common element not contiguous to a unit; deletes staging specifications; deletes minimum allocation of undivided interest in common elements; numbering change therewith
	Creation of Unit Ownership	100.110	Allows an amendment to add property to the condominium for tax purposes
	Creation of Unit Ownership	100.115	Changes the method of copying required by the county surveyor; clarifies what the plat must show
	Creation of Unit Ownership	100.120	Deletes the requirement to list new units to be created or annexed; numbering change therewith
	Creation of Unit Ownership	100.135	Reference change only

Title 17, Chapter 4: General Provisions Continued

	Rights and Duties of Declarant	100.175	Requires reserve accounts to pay for common owned exterior painting and to keep book accordingly; allows the board by unanimous vote to elect not to fund the reserve account following turnover; numbering change therewith
	Warranties on New Units	100.185	Requires the association to be named an express beneficiary regarding common elements
	Declarant Control; Turnover	100.210	Adds to turnover items reserve study and updates
	Association of Unit Owners; Management of Property; Encumbrances; Conveyances	100.405	Allows association to incorporate by majority vote; allows association to defend, initiate or intervene in litigation; assign future income; grant easements/rights of way; record under name of association; numbering change therewith
	Association of Unit Owners; Management of Property; Encumbrances; Conveyances	100.415	Modifies bylaws to correct grammatical and other errors; adds to bylaws reference to budget and reserve account; numbering changes therewith
	Association of Unit Owners; Management of Property; Encumbrances; Conveyances	100.420	Creates exceptions to board meetings open to all unit owners; numbering change therewith
	Association of Unit Owners; Management of Property; Encumbrances; Conveyances	100.435	Requires board of directors to obtain insurance which carries a waiver of subrogation as against the board, the owners, or their guests
	Association of Unit Owners; Management of Property; Encumbrances; Conveyances	100.450	Grammatical changes; reference change in subsection (5);
	Association of Unit Owners; Management of Property; Encumbrances; Conveyances	100.480	Requires a separate bank account for association; allows for a fee to be paid for reasonable personal costs related to furnishing information
	Attributes and Duties of Ownership	100.510	Excepts structural portions of building from definition of unit walls
	Attributes and Duties of Ownership	100.530	Forbids owner to offset claim due to failure of associations performance; changes the date of action
	Attributes and Duties of Ownership	100.550	Clarifies existing law; word "chairman" is changed to word "chairperson"
	Removal of Property from Unit Ownership	100.600	Disallows any changes made on the original plat once it is recorded with the clerk
	Regulation of Sales; Filing Requirements	100.655	Deletes the necessity to list any agent of the developer for filing purposes; deletes requirement to list number of stages; numbering change therewith
	Criminal Penalties	100.990	Reference change only
	Approval of Plans/Plats	92.046	Numerical reference change in c only
	Residential Facilities and Homes	443.405	Structural change in subsection (2); deletes reference in subsection (8)
	Adult Foster Homes	443.705-443.825	Adds new sections to ORS 443.705-443.825

Title 17, Chapter 4: General Provisions Continued			
	Adult Foster Homes	443.735	Creates reference to ORS 181.537 and deletes others

Title 17, Chapter 24: Land Divisions			
SMC Sect.0	ORS Code Subject	ORS #	Summary of Changes
17.24.1040	Approval of Plans/Plats	92.050	Grammatical change in subsections (1) and (2), deletion of subsections (9) and (10), and renumbering therewith
	Approval of Plans/Plats	92.080	Deletes specific type of copy to be made; adds who may set requirements for type of copy
	Approval of Plans/Plats	92.120	Changes word "filed" to word "recorded"; changes actual process of recording and storage

PROPOSED ORDINANCES			
Proposed Ordinances			
Stayton Ordinance #	ORS Code Subject	ORS #	Summary of Changes
786	Vacation of Property	271.080	Strikes the acknowledgement requirement of a deed

ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of March, 2000.

CITY OF STAYTON

Date: Mar. 10th 2000 By: Henry A. Porter
Henry A. Porter, Mayor

Date: 3-10-2000 Attest: Chris Childs
Chris Childs, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney