



ORDINANCE NO. 732

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTIONS 5.08.150, "LICENSE/PERMIT FEES: DESIGNATED"; 6.08.330, "REGISTRATION FEES"; 8.08.540, "FEE SCHEDULE"; 10.12.260, "PARKING CITATIONS: FORFEITURES"; 10.44.1110, "SPECIFIC PENALTIES"; 13.16.450, "UTILITY DEPOSITS: WHEN REQUIRED"; 13.16.510, "RESTORATION OF SERVICE CHARGES"; ADDING SECTIONS 12.04.095, "RIGHT-OF-WAY PERMITS: CHARGES"; 13.16.395, "WATER METERS: CHARGES"; 13.24.755, "PERMITTED DISPOSAL: RECREATIONAL VEHICLE WASTE DISPOSAL SITES"; DELETING SECTIONS 13.16.360, "CHARGES: PURPOSE"; 13.24.1160, "CHARGES: PURPOSE"; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton provides certain services to residents of the City of Stayton; and

WHEREAS, providing those services involves the city's expenditure in time, labor, materials, and equipment; and

WHEREAS, prudent use of city funds requires that costs for providing those services to residents of the community be recovered, in part, from the residents receiving those services; and

WHEREAS, in view of the increased demand for services and the consequent increase in costs to provide them, the Stayton City Council finds that it is necessary to amend certain sections of the Stayton Municipal Code related to fees and charges for services;

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

SECTION 1. STAYTON MUNICIPAL CODE SECTION 5.08.150 is hereby amended to read:

5.08.150 LICENSE/PERMIT FEES: DESIGNATED

The fees for all businesses, enterprises/activities specifically designated in Title 5. shall be as follows and are not refundable:

1. Amusement Devices:
  - a. Amusement devices capable of accruing free or additional plays: One Hundred Dollars (\$100.00) per year.
  - b. Amusement devices not capable of accruing free or additional plays: Fifty Dollars (\$50.00) per year.
  - c. No amusement device fee shall be charged to carnivals, amusement parks, or amusement concessionaires, which pay a fee otherwise or are deemed exempt hereunder.
2. Carnival, Amusement Park, Amusement Concessionaire: Three Hundred Dollars (\$300.00) for a period not to exceed twelve (12) months.
3. Garage Sale: Five dollars (\$5.00) per permit for a maximum seventy-two (72) consecutive hours.
4. Itinerant Merchant and Solicitor:
  - a. Employing or operated by one person: Twenty Dollars (\$20.00) per day; Fifty Dollars (\$50.00) per week; One Hundred Dollars (\$100.00) per month; One Hundred Fifty Dollars (\$150.00) for three months; or Three Hundred dollars (\$300.00) for twelve (12) months.

- b. In addition, Five Dollars (\$5.00) per day for a permit for each additional representative or employee.
- 5. Liquor License: Twenty-Five Dollars (\$25.00) upon application.
- 6. Merchant Patrol, Private Security Enterprises:
  - a. Employing or operated by one person in the city: One Hundred Dollars (\$100.00) for twelve (12) months.
  - b. Employing more than one person in the city: Ten Dollars (\$10.00) for twelve (12) months for each additional representative or employee.
- 7. Secondhand Dealers and Pawnbrokers: Twenty-Five Dollars (\$25.00) for twelve (12) months.
- 8. Junk Dealer: Twenty-five dollars (\$25.00) For twelve (12) months.

SECTION 2: STAYTON MUNICIPAL CODE SECTION 6.08.330 is hereby amended to read:

6.08.330 REGISTRATION FEES

- 1. The following animal registration fees shall be applicable and payable to the city as of January 1st of each year, and shall be paid no later than March 1st of each year.
  - a. For each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the city, Ten Dollars (\$10.00);
  - b. For each dog owned by a resident of Stayton who is sixty-five years of age or older as of January 1st of each year, the registration fee shall be Eight Dollars (\$8.00) if the dog is shown to be spayed or neutered.
  - c. For each dog registered by a resident of Stayton who is disabled, "disabled" describing a person who has been classified as or determined to be totally disabled by any state or federal agency, and who presents verification thereof from the classifying agency, the registration fee shall be Five Dollars (\$5.00) if the dog is shown to be spayed or neutered as provided in this Title, and Ten Dollars (\$10.00) if the dog is not spayed or neutered. No registration fee shall be required for any dog kept by a blind person who uses it as a guide. No registration fee shall be required for any dog kept by a deaf person who uses it as a guide. Accompanying the registration, the applicant shall provide an affidavit verifying that the dog comes within this exemption;
  - d. For any other dog, Twenty Dollars (\$20.00).
- 2. Where a person establishes residence in the city or is the keeper of a dog after January 1st of each year, or where a person is the keeper of a dog who turns six months of age or develops permanent canine teeth, that person shall have thirty (30) days within which to register the dog as provided in this Title. The registration fee shall be prorated on a monthly basis.
- 3. The keeper of a dog that loses its registration tag shall obtain a replacement. The cost of the replacement is Five Dollars (\$5.00) and is valid for the same period of time as the original registration.

SECTION 3: STAYTON MUNICIPAL CODE SECTION 8.08.540 is hereby amended to read:

8.08.540 ALARM SYSTEM FEE SCHEDULE

The alarm system fees designated in Title 8 shall be as follows and are not refundable:

1. The fee for a permit application is \$20.00.
2. A \$25.00 charge shall be assessed in addition to the fee provided in subsection 1. of this section if a user fails to obtain a permit prior to activation of the alarm.
3. Fees shall be subject to revisions by ordinance of the city council over time as conditions merit.
4. False Alarm Fees:
  - a. First Five false alarms during the permit year, no charge;
  - b. For the sixth through fifteenth false alarms, \$25.00 per alarm;
  - c. For each false alarm call after the fifteenth, \$50.00 per alarm.

SECTION 4: STAYTON MUNICIPAL CODE SECTION 10.12.260 is hereby amended to read:

10.12.260 PARKING CITATION: FORFEITURES

1. **Bail Forfeiture within 30 Days of Violation:** Before midnight of the thirtieth day following the date of the alleged violation, any person charged with a violation of the Stayton traffic code or applicable state statute may, without personal appearance before the municipal judge, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be for an alleged violation of Stayton traffic code or applicable state statute, as follows:

Overtime Parking	\$10	10.12.240
Wrong Direction	\$10	ORS 811.570 (1)
Parking within 20' of Crosswalk	\$10	ORS 811.550(17)
Parking within 10' of Fire Hydrant	\$10	ORS 811.550(16)
Parking within 50' of Traffic Control Device	\$10	ORS 811.550(18)
Displaying for Sale	\$10	10.12.260
Displaying Advertising	\$10	10.12.260
Loading Zone	\$20	10.12.290
Parking on Sidewalk	\$20	ORS 811.550(4)
Blocking Driveway	\$20	ORS 811.550(15)
Parking on Bicycle Lane/Path	\$20	ORS 811.550(23)
		11.550(24)
Parking in Alley	\$20	10.12.240
No Parking Zone	\$50	10.12.240
Disabled Person Zone	\$50	ORS 811.615(1)
Parking Within Intersection	\$50	ORS 811.550(5)
Double Parking	\$50	ORS 811.550(3)
Unlawful Vehicle Storage	\$50	10.40.950
Unlawful Repairing, Servicing	\$50	10.12.260
Other	\$20	

2. **Bail Forfeiture 31 to 60 days from day of Violation:** After the period set forth in Subsection (1) of this section, and before midnight of the sixtieth day following the date of the alleged offense, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make

a forfeiture deposit in the amount designated in this subsection. If the amount under Subsection (1) of this section for the alleged violation is:

- a. \$ 10.00 (Ten dollars), then the forfeiture shall be \$20.00 (Twenty dollars).
  - b. \$20.00 (Twenty dollars), then the forfeiture shall be \$40.00 (Twenty dollars).
  - c. \$50.00 (Fifty dollars), then the forfeiture shall be \$100.00 (One hundred dollars).
3. **Bail Forfeiture 61 days or more from date of Violation:** After the period set forth in Subsection (2) of this section, and before midnight of the thirtieth day following the date of the alleged offense, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If the amount under Subsection (1) of this section for the alleged violation is:
- a. \$ 10.00 (Ten dollars), then the forfeiture shall be \$40.00 (Forty dollars).
  - b. \$20.00 (Twenty dollars), then the forfeiture shall be \$80.00 (Eighty dollars).
  - c. \$50.00 (Fifty dollars), then the forfeiture shall be \$200.00 (Two hundred dollars).
4. The judge hearing municipal ordinance matters may, in the exercise of his discretion and where he deems cause to exist thereof in a particular case, remit all or any portion of the forfeiture set forth in this section.
5. **Effect of Forfeiture Deposit Not Accompanied by Answer:** Whenever a person charged with a violation of Stayton traffic code or applicable state statute makes a forfeiture deposit in the sum fixed pursuant to 10.12.260, but does not enter his answer either personally or in writing, such deposit shall be deemed an answer of "no contest," except that, if the deposit is accompanied by a writing which does not specifically state an answer, the municipal judge may, in his discretion, treat the writing as either an answer of "no contest" or an answer of denial, depending on the tenor of the defendant's statement as to the material facts of the alleged violation, or may require that the defendant enter a specific answer within seven (7) days, failure to enter which shall be deemed an answer of "no contest."
6. **Plea of Defendant:** Any person charged with a violation of Stayton traffic code or applicable state statute shall plead either guilty, not guilty, or no contest to the charge by:
- a. Appearing before the municipal judge and entering his plea in open court;
  - b. Entering his plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail pursuant to Stayton Traffic Code 10.12.260;
  - c. Depositing bail without a specific plea as provided in Stayton Traffic Code 10.12.260.
7. **Powers of Court Upon 'No Contest' Plea:** Upon entry of a plea of "no contest" as provided in Stayton Traffic Code 10.12.260, subsection b., the Court may consider any oral or written statement given by the defendant, and may, on its

own motion and in the interest of justice, order the charge dismissed and any bail returned to the defendant. Unless the Court dismisses the charge, the Court shall enter a judgment of conviction upon a plea of "no contest."

SECTION 5: STAYTON MUNICIPAL CODE SECTION 10.44.1110 is hereby amended to read:

10.44.1110                      SPECIFIC PENALTIES

1. Violation of any provision of Sections 10.36.810 to 10.36.870 and Sections 10.40.1010 to 10.40.1060 and is an infraction punishable by a forfeiture not to exceed one-hundred dollars (\$100.00).
2. Violation of any provision of Sections 10.12.220 (Parking Regulations) to 10.12.260, 10.32.810 (Pedestrians), and 10.28.710 to 10.28.720 (Bicycles) is an infraction punishable by a forfeiture not to exceed \$50.00.
3. Violation of Sections 10.12.245, 10.12.246, or 10.12.247 may result in the revocation of the residential parking permit of any permittee found to be in violation of this chapter and, upon written notification therefore, the permittee shall surrender such permit to the Stayton Chief of Police. Failure to surrender a residential parking permit so revoked shall constitute a violation of this chapter.
4. Violation of any provision of Section 10.16.400 (Towing, Storage, and Impoundment of Vehicles) is an infraction and punishable by a forfeiture not to exceed the cost of the towing bill, a \$75.00. impoundment fee, and, if the vehicle is stored in the city's impound lot, a storage fee in the amount of \$10.00 per day commencing at 00:01 hours on the day following the impoundment of the vehicle. If redemption is not made within thirty days after the vehicle is impounded, such vehicle shall be disposed of in accordance with provisions of state law.
5. Violation of a provision identical to a state statute is punishable by the penalty prescribed by the state statute.

SECTION 6: STAYTON MUNICIPAL CODE SECTION 12.04.095 created to read:

12.04.095                      RIGHT-OF-WAY PERMITS: CHARGES

The following right-of-way inspection charges are imposed per inspection as follows:

- |                              |         |
|------------------------------|---------|
| 1. Streets                   | \$25.00 |
| 2. Storm Sewer Connection    | \$25.00 |
| 3. Sewer Connection          | \$25.00 |
| 4. Water Connection          | \$25.00 |
| 5. Curbs/Sidewalks/Driveways | \$25.00 |

SECTION 7: STAYTON MUNICIPAL CODE SECTION 13.16.360 is hereby repealed.

SECTION 8: STAYTON MUNICIPAL CODE SECTION 13.16.395 is hereby created to read:

13.16.395 WATER METERS: CHARGES

Charges for the installation of water meters shall be:

1. ¾-inch meter \$200.00 each
2. 1-inch and over Materials and labor + 10%

SECTION 9: STAYTON MUNICIPAL CODE SECTION 13.16.450 is hereby amended to read:

13.16.450 UTILITY DEPOSITS: WHEN REQUIRED

1. A utility deposit of \$50.00 for water and sewer service, or a deposit of \$25.00 for water service or \$25.00 for sewer service, shall be required of all persons requesting utility service at any premises.
2. The utility deposit shall bear no interest.

SECTION 10: STAYTON MUNICIPAL CODE SECTION 13.16.510 is hereby amended to read:

13.16.510 SERVICE CHARGES

1. TEMPORARY TURN-OFF OF SERVICE: The city shall charge a customer a \$10.00 service charge for each time the water service is turned-off at the meter.
2. RESTORATION OR TURN-ON OF SERVICE: The city shall charge a customer a \$10.00 service charge for each time the water service is turned on at the meter.
3. ADDITIONAL CHARGES: In addition to the \$10.00 turn-off or turn-on charge listed in Sections (1) and (2), the city may charge a customer the actual cost of labor and materials plus 10% administrative charge in the event the city removes or reinstalls a water meter and/or service connections due to an owner request or tampering with city-owned water services.

SECTION 11: STAYTON MUNICIPAL CODE SECTION 13.24.755 is hereby created to read:

13.24.755 PERMITTED DISPOSAL: RECREATIONAL VEHICLE WASTE DISPOSAL SITES

Where permitted within the city or in any area under the jurisdiction of the city a revocable permit for commercial waste disposal sites for recreational vehicles may be issued by the city's public works director for the purpose of disposal of domestic waste in the city's sanitary sewer system. Permitted discharges shall be limited to untreated domestic waste drained directly from the vehicle's holding tank into the sanitary sewer. The director may issue the permit subject to necessary conditions and restrictions to ensure compliance with applicable regulations. Fees for commercial disposal may be established by ordinance or resolution. Disposal site operators shall be responsible for keeping daily discharge records in gallons per day.

SECTION 12: STAYTON MUNICIPAL CODE SECTION 13.24.1160 is hereby repealed

SECTION 13: EMERGENCY CLAUSE

It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code Sections related to water and sewer rates is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

PASSED BY THE STAYTON CITY COUNCIL this 3<sup>rd</sup> day of October, 1994.

Date: 10-06-94 BY:   
WILLMER VAN VLEET, Mayor

Date: 10-04-94 ATTEST:   
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: SEP 28 1994   
DAVID A. RHOTEN, City Attorney