



595 Main Street, Aumsville, OR 97325
Office: (503) 749-2030 ~ FAX: (503) 749-1852
Email: rharding@aumsville.us

PUBLIC HEARING NOTICE

AUMSVILLE CITY COUNCIL MEETING

Via Zoom Video Conference

MONDAY, December 14, 2020

A G E N D A

1) CALL TO ORDER: 7:00PM

- a) Approve Agenda

2) PRESENTATIONS, PROCLAMATIONS, & VISITORS

- a) **Public Comment:** Due to the COVID-19 Virus Council will conduct the meeting via Zoom conference call. Public Comment will be accepted from online attendees at this time. Comments are limited to 5 minutes for comments on items other than Public Hearings listed below. There is a public comment period within each hearing. You may also submit comments by emailing City Administrator Ron Harding at rharding@aumsville.us by noon on December 14, 2020.
- b) **Visitors:** For information about how to attend the meeting online, please call City Hall at 503.749.2030 or email crogers@aumsville.us to request log in instructions. Information will also be posted on our website <https://www.aumsville.us/citycouncil/page/city-council-regular-meeting-79>

3) CONSENT AGENDA: (Action) Council Meeting November 23, 2020 Minutes

4) PUBLIC HEARING: None

5) OLD BUSINESS:

- a) Second Reading by Title Only and Adopt Ordinance No. 682 AN ORDINANCE UPDATING THE AUMSVILLE MUNICIPAL CODE TO INCLUDE PROVISIONS RELATING TO SOCIAL GAMES AND REPEALING ORDINANCE NO. 311
 - Public Comment
- b) Second Reading by Title Only and Adopt Ordinance No. 683 AN ORDINANCE LIMITING THE POSTING, PLACING, DISPLAYING, AND ATTACHING OF SIGNS OR ANY OTHER MATTER ON PUBLIC PROPERTY TO ANY TREE, POLE, OR POST SITUATED ON ANY PUBLIC PROPERTY WITHIN THE CITY, AND REPEALING ORDINANCE NO. 316
 - Public Comment
- c) Second Reading by Title Only and Adopt Ordinance No. 684 AN ORDINANCE REPEALING ORDINANCE NO. 344, AN ORDINANCE CONCERNING THE OREGON CRIMINAL CODE
 - Public Comment
- d) Second Reading by Title Only and Adopt Ordinance No. 685 AN ORDINANCE REPEALING ORDINANCE NO. 366, CONCERNING THE OREGON REVISED STATUTES CHAPTER 480 RELATING TO EXPLOSIVES
 - Public Comment
- e) Second Reading by Title Only and Adopt Ordinance No. 686 AN ORDINANCE DEFINING NUISANCES, PROVIDING FOR THEIR ABATEMENT, PRESCRIBING PENALTIES, AND REPEALING ORDINANCE NO. 369
 - Public Comment
- f) Second Reading by Title Only and Adopt Ordinance No. 687 AN ORDINANCE LIMITING THE

CONSUMPTION OF ALCOHOLIC LIQUOR UPON PUBLIC STREETS AND OTHER PLACES;
PRESCRIBING A PENALTY THEREFORE AND REPEALING ORDINANCE NO. 405

- Public Comment
- g) Second Reading by Title Only and Adopt Ordinance No. 688 AN ORDINANCE CREATING A JUVENILE CURFEW WITHIN AUMSVILLE'S CITY LIMITS; ESTABLISHING PARENTAL /GUARDIAN RESPONSIBILITY AND REPEALING ORDINANCE NO. 410
 - Public Comment
- h) Second Reading by Title Only and Adopt Ordinance No. 689 AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS GRAFFITI IMPLEMENTS, PROVIDING FOR THEIR SEIZURE AND PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 433
 - Public Comment
- i) Second Reading by Title Only and Adopt Ordinance No. 690 AN ORDINANCE ESTABLISHING PROCEDURES REGULATING ALARM SYSTEMS WITHIN AUMSVILLE, TO BE KNOWN AS THE "AUMSVILLE ALARM ORDINANCE" AND REPEALING ORDINANCE NO. 490
 - Public Comment
- j) Second Reading by Title Only and Adopt Ordinance No. 691 AN ORDINANCE REGULATING THE USE OF PARKS, PARKWAYS, PUBLIC SQUARES, PUBLIC GROUNDS, STREETS, BOULEVARDS, PATHS, SIDEWALKS, GREENWAYS, REST AREAS, PLAYGROUNDS AND OTHER AREAS AND REPEALING ORDINANCE NO. 505
 - Public Comment
- K) Second Reading by Title Only and Adopt Ordinance No. 693 An Ordinance REPEALING ORDINANCE 555 CONCERNING GIVING FALSE INFORMATION TO POLICE
 - Public Comment
- l) Second Reading by Title Only and Adopt Ordinance No. 694 AN ORDINANCE REPEALING ORDINANCE NO. 564, AN ORDINANCE CONCERNING REGISTRATION OF RESIDENTS CONVICTED OF A SEX CRIME
 - Public Comment
- m) Second Reading by Title Only and Adopt Ordinance No. 695 AN ORDINANCE ESTABLISHING DRIVING AND CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING PUBLIC EMPLOYMENT AND PUBLIC SERVICE PROVIDERS AND VOLUNTEERS, AND REPEALING ORDINANCE NO. 597
 - Public Comment
- n) Second Reading by Title Only and Adopt Ordinance No. 697 AN ORDINANCE RELATING TO THE PARKING OF VEHICLES AND TRAILERS ON CITY STREETS, PRIVATE OR PUBLIC PROPERTY; SETTING REGULATIONS AND PENALTIES FOR VIOLATIONS, AND REPEALING ORDINANCE 171
 - Public Comment
- o) Second Reading by Title Only and Adopt Ordinance No. 698 AN ORDINANCE REPEALING ORDINANCE NO. 306, AN ORDINANCE REGULATING PARKING IN THE CITY OF AUMSVILLE
 - Public Comment
- p) Second Reading by Title Only and Adopt Ordinance No. 699 AN ORDINANCE REGULATING THE USE OF BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER SKATES AND SIMILAR APPARATUS WITHIN THE CITY AND REPEALING ORDINANCE NO. 349
 - Public Comment

- q) Second Reading by Title Only and Adopt Ordinance No. 700 AN ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC, ESTABLISHING A TRUCK ROUTE, AND REPEALING ORDINANCE 363
 - Public Comment
- r) Second Reading by Title Only and Adopt Ordinance No. 701 AN ORDINANCE REPEALING ORDINANCE NO. 370, AN ORDINANCE CONCERNING THE OREGON UNIFORM TRAFFIC CODE
 - Public Comment
- s) Second Reading by Title Only and Adopt Ordinance No. 702 AN ORDINANCE REQUIRING ALL BUSINESSES AND PEDDLERS IN THE CITY OF AUMSVILLE TO MAKE APPLICATION FOR A LICENSE, FIXING FEES, PROVIDING FOR THE MANNER FOR ENFORCING THIS ORDINANCE, AND REPEALING ORDINANCE NO. 659
 - Public Comment

5) NEW BUSINESS: (Action)

- a) Resolution No. 17-20 A RESOLUTION OF THE CITY OF AUMSVILLE AUTHORIZING REFUNDING OF A LOAN FROM THE WATER FUND WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

6) CITY ADMINISTRATOR REPORT: (Information)

- a) Police Department Monthly Report
- b) Public Works Monthly Report
- c) Review Check Register August 31, 2020 through December 1, 2020

7) MAYOR AND COUNCILORS REPORTS

8) GOOD OF THE ORDER: Other Business May Come Before the Council at This Time

9) CORRESPONDENCE: None

10) EXECUTIVE SESSION: None

11) ADJOURNMENT

The City of Aumsville does not and shall not; discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. Anyone wishing to speak on an agenda item should ask to be recognized by the Mayor or Chair at the beginning of that agenda item. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities must be made at least 48 hours prior to the meeting. Please call (503) 749-2030 and leave a message or Oregon Relay Service for TDD at (800) 735-2900.



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

AUMSVILLE CITY COUNCIL

Minutes – November 23, 2020

Mayor Clevenger called the meeting to order at 7:02PM via Zoom Conferencing. Council present was: Mayor Derek Clevenger, Nico Casarez, Angelica Ceja, Larry Purdy, and Della Seney. Council absent: Ryan Bambrick and Doug Ecclestone. City Administrator Ron Harding (CA Harding), City Clerk Colleen Rogers (CC Rogers) were also present via Zoom. The meeting was video recorded to be released later.

AGENDA APPROVAL: Councilor Casarez moved to approve the agenda as presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

VISITORS: There were six online attendees. Login information was provided for members of the community to listen to the discussion.

PUBLIC COMMENT: Madeline Sattler, Communications Director for the Cascade School District, introduced herself to Council. She stated that even with the COVID-19 restrictions there are still a lot of things going on in the district. She commented that all Aumsville students are on distance learning at this time. Staff at the junior high and high school are working on activities that help to stay in touch with students and keep them engaged and communicating. CA Harding commented that he had been in contact with Madeline and is working with other staff members regarding our Youth Council that we are working on. He stated that he is scheduled to be doing a web presentation for the Government class on Local Government. CA Harding has been working with the school staff to create an outline for the Youth Council Program and will bring an outline to Council at the first meeting in December. Council thanked Madeline for her comments. There were no other public comments.

CONSENT AGENDA: Council reviewed the November 9, 2020 Council meeting minutes. Councilor Seney moved to approve the consent agenda as presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

PUBLIC HEARING: Chapters 4, 5, and 6 Code Updates

Mayor Clevenger opened at 7:07 pm

CA Harding presented the staff report for the code updates. He stated that staff have been engaged in an effort for about a year and half to do an overview of all City ordinances and bring them into compliance with current case law, Oregon Revised Statutes (ORS), and/or standard operating procedures that have changed. There are a good number of the ordinances

that are no longer relevant and will be eliminated by repeal ordinances. He went through each ordinance pointing out the changes that were being recommended.

(Ordinance No. 682 Repealing and Replacing Ord. 311) Social Games

This ordinance was rewritten by the city attorney. The new ordinance clarifies social gaming as regulated by the city and exemptions for charitable and service group fundraisers like the fire departments turkey shoot event. Council will set a permit cost by fee resolution and the permit will be approved by the chief of police.

(Ordinance No. 683 Repealing and Replacing Ord. 316) Posting of Notices

Changes in wording for clarity and to allow for recent court cases regarding freedom of speech.

(Ordinance No. 344 Recommend Repeal by 684) Criminal Code Adoption. The state adopted criminal code serves sufficiently for the city.

(Ordinance No. 366 Recommend Repeal by 685) Fireworks Code Adoption. Fireworks would be permitted under a new section in our development ordinance. Firework stands would need to be licensed by the state fire Marshall under the state code and receive a temp permit under the city special event permit in order to operate in the city.

(Ordinance No. 686 Repealing and Replacing Ord. 369) Nuisances

Revised definitions of leash, junk, person(s) responsible, nuisance noises, derelict buildings, and worded for clarity. There is a new section included for derelict buildings. This will provide authority for the City to take action on these buildings as needed. There is also an appeals section included before the City takes any type of action. The City does have the right to lien a property when abating any nuisances with a process requiring Council action. Most of the changes simply reorganize and clarify current requirements. We also deleted section that contradicted the intent of the ordinance.

(Ordinance No. 687 Repealing and Replacing Ord. 405) Drinking in Public

Clarification of wording aligning with our Charter authority and state law. No change to the effect of the ordinance.

(Ordinance No. 688 Repealing and Replacing Ord. 410) Curfew

Updates to language for clarity and current case law and ORS.

(Ordinance No. 689 Repealing and Replacing Ord. 433) Graffiti

Minor changes were made to allow the City to recover the cost of damages.

(Ordinance No. 434 as amended by Ordinance No. 463) Parental Responsibility

Reviewed by City Attorney – they recommend possible repeal. We may bring new ordinance to Council at a later date.

(Ordinance No. 690 Repealing and Replacing Ord. 490) Alarm System Regulations

Definitions were updated and will allow more false alarms without penalty as it's common for false alarms during the original set up and training period. The late fee section was removed for expired permits and replaced it with "late penalty may be charged." Changed the alarm

permit fee to be determined by Council resolution. Removes Section 12, Training Requirements. Removes Section 15, Sound Limitations.

(Ordinance No. 691 Repealing and Replacing Ord. 505) Parks and Public Area Regulations

Updates to the language for clarity. Section 14, deletion of firearms. Section 23 rewritten for Exclusion Period.

(Ordinance No. 555 Recommend Repeal by Ord 693) Giving False Information to Police Officer: Recommend repeal by city attorney.

(Ordinance No. 564 Recommend Repeal by Ord 694) This ordinance required residents to register with the Aumsville Police Department if convicted of a sex crime as defined by State Law. We currently use the state police registry when needed. They manage the database within current state ORS guidelines.

(Ordinance No. 695 Repealing and Replacing Ord. 597) This Ordinance established driving and criminal history record check policies concerning public employment and public service providers and volunteers. Changes were simply wordsmithing and clarification.

(Ordinance No. 697 Repealing and Replacing 171) Vehicle Parking

The ordinance was changed to allow enforcement easier and to clarify the intent of certain sections. Sections were deleted that conflict with the ordinance intent or implementation. Further defines city rights-of-way, strengthens storage of vehicles language.

(Ordinance No. 306 Recommend Repeal by Ord 698) Parking Regulations We do not issue parking permits for neighborhoods streets. Recommend repeal.

(Ordinance No. 699 Repealing and Replacing 349) Bicycles, Skateboards, Scooters, and Roller Skates Regulations. Wordsmithing for clarifications and readability. Addition of E-bikes and Business District definitions. Additions of sections after 6 for clarity.

(Ordinance No. 700 Repealing and Replacing 363) Truck Routes: Updated description of Truck Route. Increase allowable gross vehicle weight to be more in line with current residential use.

(Ordinance No. 370 Recommended Repeal by Ord 701) Traffic Code Adoption: This ordinance is not needed per state ORS 811. Recommend repeal.

(Ordinance No. 702 Repealing and Replacing 659) Business and Peddlers License: Removes Peddler's license and requires a standard business license. Wordsmithing for clarity and removal of Emergency clause. Requires all businesses to get a business license regardless of location if they do business in the city limits and sets rates for a license by resolution of Council and establishes fines. The change removes violation from a criminal to civil fine. Business who participate in temporary community events are exempt from the license requirement as long as a special use permit or park event permit is issued for the event itself.

Council Questions: Councilor Purdy inquired if changes to the Parks and Public Area Regulations, Ord. 691, include concealed gun permit holders in the Firearms Prohibition section. Mayor Clevenger stated that the State ORS gives exception to concealed permit holders. Chief Schmitz verified this and stated that our officers have the authority to ask them to leave the park, but we can't stop them from carrying a concealed weapon as long as they have a proper permit to carry.

Councilor Seney asked for clarification regarding subcontractors doing business within the city. CA Harding stated that this would require businesses that are located in another city but doing business in the City of Aumsville to apply for a business license. This would make it universal to all businesses doing work in Aumsville. More discussion followed. CA Harding will do some more research and bring it back to the next meeting.

Public Comments: Dayadevi Heart asked if people working at home remotely due to COVID-19 or if someone doing beading or journaling and sell it on eBay have to have business license, and lastly, does the Kirby guy have to get a license for each employee selling door to door?

CA Harding answered that people working at home due to COVID-19 would not be required to get a license. The home occupation license is more for businesses like if you were building cabinets to sell in your garage, tax preparation service, and that type of business. The license is also so that we can make sure that the business is not triggering some sort of land use issue where there might be an activity that conflicts with the residential area. As far as the Kirby salespeople; if they are employees of the Kirby Company they would be under one license for the company. If they are independent contractors, they each would need a license.

There were no more questions or comment.

Mayor Clevenger closed the public hearing at 8:03 pm

There was no further Council discussion or deliberation.

Council Decision:

Each of the following ordinances were read for the first time by title only before Council voted. Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 682 AN ORDINANCE UPDATING THE AUMSVILLE MUNICIPAL CODE TO INCLUDE PROVISIONS RELATING TO SOCIAL GAMES AND REPEALING ORDINANCE NO. 311 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 683 AN ORDINANCE LIMITING THE POSTING, PLACING, DISPLAYING, AND ATTACHING OF SIGNS OR ANY OTHER MATTER ON PUBLIC PROPERTY TO ANY TREE, POLE, OR POST SITUATED ON ANY PUBLIC PROPERTY WITHIN THE CITY, AND REPEALING ORDINANCE NO. 316 as Presented. Councilor Casarez seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 684 AN ORDINANCE REPEALING ORDINANCE NO. 344, AN ORDINANCE CONCERNING THE OREGON CRIMINAL CODE as Presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 685 AN ORDINANCE REPEALING ORDINANCE NO. 366, CONCERNING THE OREGON REVISED STATUTES CHAPTER 480 RELATING TO EXPLOSIVES as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 686 AN ORDINANCE DEFINING NUISANCES, PROVIDING FOR THEIR ABATEMENT, PRESCRIBING PENALTIES, AND REPEALING ORDINANCE NO. 369 as Presented. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 687 AN ORDINANCE LIMITING THE CONSUMPTION OF ALCOHOLIC LIQUOR UPON PUBLIC STREETS AND OTHER PLACES; PRESCRIBING A PENALTY THEREFORE AND REPEALING ORDINANCE NO. 405 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 688 AN ORDINANCE CREATING A JUVENILE CURFEW WITHIN AUMSVILLE'S CITY LIMITS; ESTABLISHING PARENTAL /GUARDIAN RESPONSIBILITY AND REPEALING ORDINANCE NO. 410 as Presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 689 AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS GRAFFITI IMPLEMENTS, PROVIDING FOR THEIR SEIZURE AND PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 433 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 690 AN ORDINANCE ESTABLISHING PROCEDURES REGULATING ALARM SYSTEMS WITHIN AUMSVILLE, TO BE KNOWN AS THE "AUMSVILLE ALARM ORDINANCE" AND REPEALING ORDINANCE NO. 490 as Presented. Councilor Ceja seconded Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 691 AN ORDINANCE REGULATING THE USE OF PARKS, PARKWAYS, PUBLIC SQUARES, PUBLIC GROUNDS, STREETS, BOULEVARDS, PATHS, SIDEWALKS, GREENWAYS, REST AREAS, PLAYGROUNDS AND OTHER AREAS AND REPEALING ORDINANCE NO. 505 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 693 REPEALING ORDINANCE 555 CONCERNING GIVING FALSE INFORMATION TO POLICE as Presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 694 AN ORDINANCE REPEALING ORDINANCE NO. 564, AN ORDINANCE CONCERNING REGISTRATION OF RESIDENTS CONVICTED OF A SEX CRIME as Presented. Councilor Purdy seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy made a motion to approve the first reading by title only of Ordinance No. 695 AN ORDINANCE ESTABLISHING DRIVING AND CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING PUBLIC EMPLOYMENT AND PUBLIC SERVICE PROVIDERS AND VOLUNTEERS, AND REPEALING ORDINANCE NO. 597 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 697 AN ORDINANCE RELATING TO THE PARKING OF VEHICLES AND TRAILERS ON CITY STREETS, PRIVATE OR PUBLIC PROPERTY; SETTING REGULATIONS AND PENALTIES FOR VIOLATIONS, AND REPEALING ORDINANCE 171 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 698 AN ORDINANCE REPEALING ORDINANCE NO. 306, AN ORDINANCE REGULATING PARKING IN THE CITY OF AUMSVILLE as Presented. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy made a motion to approve the first reading by title only of Ordinance No. 699 AN ORDINANCE REGULATING THE USE OF BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER SKATES AND SIMILAR APPARATUS WITHIN THE CITY AND REPEALING ORDINANCE NO. 349 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 700 AN ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC, ESTABLISHING A TRUCK ROUTE, AND REPEALING ORDINANCE 363 as Presented. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy made a motion to approve the first reading by title only of Ordinance No. 701 AN ORDINANCE REPEALING ORDINANCE NO. 370, AN ORDINANCE CONCERNING THE OREGON UNIFORM TRAFFIC CODE as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 702 AN ORDINANCE REQUIRING ALL BUSINESSES AND PEDDLERS IN THE CITY OF AUMSVILLE TO MAKE APPLICATION FOR A LICENSE, FIXING FEES, PROVIDING FOR THE MANNER FOR ENFORCING THIS ORDINANCE, AND REPEALING ORDINANCE NO. 659 as Presented. Councilor Casarez seconded. Motion APPROVED 4-1: (Yes: Councilors Casarez, Ceja, Seney, and Mayor Clevenger. No: Purdy.)

OLD BUSINESS: None

NEW BUSINESS:

CA Harding explained that this resolution is to set the water and sewer rates at the current rates. At the last Council meeting we adopted the new Sewer and Water Rates Ordinance which now requires fees to be set by resolution. This resolution simply sets the fee. Councilor Seney made a motion to approve Resolution No. 16-20 A RESOLUTION ESTABLISHING WATER AND SEWER RATES FOR THE CITY OF AUMSVILLE. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Council reviewed and discussed Councilor Bambrick's resignation. Councilor Casarez made a motion to accept Councilor Bambrick's resignation effectively immediately. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Council discussed whether to cancel the December 28th Council meeting. Council consensus was to cancel the second meeting in December 2020.

CITY ADMINISTRATOR'S REPORT: CA Harding updated Council on the COVID-19 epidemic. The Aumsville zip code area had a rise and we are now at 80 positive cases since the beginning of the outbreak. He stated that the virus continues to be an ongoing issue of concern. Staff continues to maintain our current COVID-19 protocols.

CA Harding talked about the Governor's latest closure order. He stated that the city offices have been deemed exempt as essential services. Our city hall lobby updates and restrictions make it one of the safest places to enter. There are some additional requirements for our police department. We will not be citing businesses that don't comply, but we will be educating our residents. If we do see businesses that are repeatedly out of compliance, we will write a report to OSHA then it will be up to OSHA to do enforcement.

CA Harding reported that we just got our estimated population; 4215 as of July 1, 2020.

Mayor Clevenger reached out to Governor Brown's office to see if they are advocating for businesses in small cities. These businesses are impacted differently than those in the larger cities.

MAYOR/COUNCIL REPORTS AND INITIATIVES: Councilor Casarez asked everyone to support our local businesses as much as possible. Mayor Clevenger updated Council with his travel schedule. He has a return date of Dec. 15th.

GOOD OF THE ORDER: None

CORRESPONDENCE: None

ADJOURNED WITHOUT PREJUDICE AT 8:50 PM

Della Seney, Mayor Pro-tem

Ron Harding, City Administrator



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

STAFF REPORT

TO: City of Aumsville City Council

FROM: Ron Harding, City Administrator

SUBJECT: Proposed Ordinance Revisions

RECOMMENDATION: Approve second reading of ordinances in chapter 4, 5, and 6 of the Aumsville municipal code and repealing Ord 311, 316, 369, 405, 410, 433, 490, 505, 597, 662, 171, 349, 363, and 659 and replacing with Ord 682, 683, 686, 687, 688, 689, 690, 691, 695, 696, 697, 699, 700, and 702, respectively.

BACKGROUND: The City of Aumsville worked last year with John Morgan from Morgan CPS to review and propose changes to the development ordinance that Council approved and adopted in August. A secondary project was to provide a complete overview of all other city ordinance chapters. Staff had identified a number of inconsistencies and there were some desires of Council to make certain changes to accommodate changes of the community. The project from Morgan CPS was completed in February just before the COVID-19 pandemic interrupted our work. City staff then began working with our city attorney to review for legal compliance. At this point we had discovered a number of our ordinances were no longer consistent with either changing state laws or recent case law and a more extensive rewrite would need to be completed. Below is a summary of the proposed substantive revisions. Other revision is proposed are in track changes on the original Ordinances. Copies provided in the agenda packet.

Chapter 4

(Ordinance No. 682 Repealing and Replacing Ord. 311) Social Games

Ordinance rewritten by city attorney to include additional provisions for definitions, and lowering the violation fine within statutory requirements. Social gaming is not gambling. Council will set a permit cost by fee resolution and it will be approved by the chief of police. Exemptions were made for charitable and service group fundraisers like the fire departments turkey shoot event.

(Ordinance No. 683 Repealing and Replacing Ord. 316) Posting of Notices

Changes in wording for clarity and to allow for recent court cases regarding freedom of speech.

(Ordinance No. 344 Recommend Repeal by 684) Criminal Code Adoption. *The state adopted criminal code serves sufficiently for the city. We do not need additional ordinances and in fact if we have an ordinance, we must update it biannually.*

(Ordinance No. 366 Recommend Repeal by 685) Fireworks Code Adoption, *Fireworks would be permitted under a new section in our development ordinance. Firework stands would need to be licensed under the state code in order to receive a temporary license in the city.*

(Ordinance No. 686 Repealing and Replacing Ord. 369) Nuisances

Revised for definition of leash, junk, person(s) responsible, nuisance noises, derelict buildings, and wording for clarity. There is a new section included for derelict buildings. We do not have a lot of buildings in this condition, but this does provide authority for the City if a concern is raised. There is also an appeals section included before the City takes any type of actions. The City does have the right to lien a property when abating any nuisances with a process requiring council actions. Even though it looks like a great number of changes most of them is reorganizing and clarifying current requirements.

(Ordinance No. 687 Repealing and Replacing Ord. 405) Drinking in Public

Changes in wording for clarity.

(Ordinance No. 688 Repealing and Replacing Ord. 410) Curfew

Updates to language for clarity and current ORS.

(Ordinance No. 689 Repealing and Replacing Ord. 433) Graffiti

Minor changes were made to allow the City to recover the cost of damages.

(Ordinance No. 690 Repealing and Replacing Ord. 490) Alarm System Regulations

Updates to modernize definitions and change in numbers and fees of false alarms. This change allows more false alarms without penalty as it's common for false alarms during the original set up and training period. Removed the late fee section for expired permits and replaced it with "late penalty may be charged". Changed the alarm permit fee to be determined by Council resolution. Removes Section 12, Training Requirements. Removes Section 15, Sound Limitations.

(Ordinance No. 691 Repealing and Replacing Ord. 505) Parks and Public Area Regulations
Updated language for clarity. Change in Section 9, instead of no signs or advertisements, only those issued by the city administrator. Section 14, deletion of firearms. Section 23 rewritten for Exclusion Period. Deletion of the emergency clause. A recent court case (Grants pass verses Blake)

(Ordinance No. 555 Recommend Repeal by Ord 693) Giving False Information to Police Officer: Recommend repeal by city attorney.

(Ordinance No. 564 Recommend Repeal by Ord 694) Requiring Residents to Register with the Aumsville Police Department if Convicted of a Sex Crime as Defined by State Law. We currently use the state police registry when needed. They manage the database within current state ORS guidelines.

(Ordinance No. 695 Repealing and Replacing Ord. 597) An Ordinance Establishing Driving and Criminal History Record Check Policies Concerning Public Employment and Public Service Providers and Volunteers. Changes were simply clarifying and wordsmithing.

Chapter 5

(Ordinance No. 697 Repealing and Replacing 171) Vehicle Parking
More thorough description of types of vehicles and right-of-way. The ordinance was changed to allow enforcement easier and to clarify the intent of certain sections. Sections were deleted that conflict with the ordinance intent or implementation. Further defines city right of ways, strengthens storage of vehicles language. Emergency clause taken out.

(Ordinance No. 306 Recommend Repeal by Ord 698) Parking Regulations We do not issue parking permits for neighborhoods streets. Recommend repeal.

(Ordinance No. 699 Repealing and Replacing 349) Bicycles, Skateboards, Scooters, and Roller Skates Regulations. Wordsmithing for clarifications and readability. Addition of E-bikes and Business District definitions. Additions of sections after 6 for clarity.

(Ordinance No. 700 Repealing and Replacing 363) Truck Routes: Updated description of Truck Route. Increase allowable gross vehicle weight to be more in line with current residential use.

(Ordinance No. 370 Recommended Repeal by Ord 701) Traffic Code Adoption: This ordinance is not needed per state ORS.

Chapter 6

(Ordinance No. 702 Repealing and Replacing 659) Business and Peddlers License: Removes Peddler's license and requires a standard business license.. Wording for clarity and removal of Emergency clause. Requires all businesses to get a business license regardless of location if they do business in the city limits and sets rates for a license by resolution of Council. Establishes

finer. The change removes violation from a criminal to civil fine. Business who participate in temporary community events are exempt from the license requirement as long as a special use permit or park event permit is issued for the event itself.

NOTE:

(added 12 (B) For the purpose of this ordinance outside city business solicited by a property resident to provide goods and services are not required to obtain a business license.)

SAMPLE MOTION:

Option 1: Move to approve second reading of Ordinance No. ____ by title only and adopt, or

Option 2: Move to approve second reading of Ordinance No. ____ by title only and adopt with modifications, or

Option 3: Move to remand Ordinance No. _____ back to staff for revision.

If using option 1, you may use the sample motions below:

- I move to approve the second reading by Title Only and Adopt Ordinance No. 682 AN ORDINANCE UPDATING THE AUMSVILLE MUNICIPAL CODE TO INCLUDE PROVISIONS RELATING TO SOCIAL GAMES AND REPEALING ORDINANCE NO. 311 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 683 AN ORDINANCE LIMITING THE POSTING, PLACING, DISPLAYING, AND ATTACHING OF SIGNS OR ANY OTHER MATTER ON PUBLIC PROPERTY TO ANY TREE, POLE, OR POST SITUATED ON ANY PUBLIC PROPERTY WITHIN THE CITY, AND REPEALING ORDINANCE NO. 316 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 684 AN ORDINANCE REPEALING ORDINANCE NO. 344, AN ORDINANCE CONCERNING THE OREGON CRIMINAL CODE as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 685 AN ORDINANCE REPEALING ORDINANCE NO. 366, CONCERNING THE OREGON REVISED STATUTES CHAPTER 480 RELATING TO EXPLOSIVES as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 686 AN ORDINANCE DEFINING NUISANCES, PROVIDING FOR THEIR ABATEMENT, PRESCRIBING PENALTIES, AND REPEALING ORDINANCE NO. 369 as Presented

- I move to approve the second reading by Title Only and Adopt Ordinance No. 687 AN ORDINANCE LIMITING THE CONSUMPTION OF ALCOHOLIC LIQUOR UPON PUBLIC STREETS AND OTHER PLACES; PRESCRIBING A PENALTY THEREFORE AND REPEALING ORDINANCE NO. 405 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 688 AN ORDINANCE CREATING A JUVENILE CURFEW WITHIN AUMSVILLE'S CITY LIMITS; ESTABLISHING PARENTAL /GUARDIAN RESPONSIBILITY AND REPEALING ORDINANCE NO. 410 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 689 AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS GRAFFITI IMPLEMENTS, PROVIDING FOR THEIR SEIZURE AND PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 433 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 690 AN ORDINANCE ESTABLISHING PROCEDURES REGULATING ALARM SYSTEMS WITHIN AUMSVILLE, TO BE KNOWN AS THE "AUMSVILLE ALARM ORDINANCE" AND REPEALING ORDINANCE NO. 490 as Presented
- I move to approve the second reading by Title Only and Adopt No. 691 AN ORDINANCE REGULATING THE USE OF PARKS, PARKWAYS, PUBLIC SQUARES, PUBLIC GROUNDS, STREETS, BOULEVARDS, PATHS, SIDEWALKS, GREENWAYS, REST AREAS, PLAYGROUNDS AND OTHER AREAS AND REPEALING ORDINANCE NO. 505 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 693 REPEALING ORDINANCE 555 CONCERNING GIVING FALSE INFORMATION TO POLICE as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 694 AN ORDINANCE REPEALING ORDINANCE NO. 564, AN ORDINANCE CONCERNING REGISTRATION OF RESIDENTS CONVICTED OF A SEX CRIME as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 695 AN ORDINANCE ESTABLISHING DRIVING AND CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING PUBLIC EMPLOYMENT AND PUBLIC SERVICE PROVIDERS AND VOLUNTEERS, AND REPEALING ORDINANCE NO. 597 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 697 AN ORDINANCE RELATING TO THE PARKING OF VEHICLES AND TRAILERS ON CITY STREETS, PRIVATE OR PUBLIC PROPERTY; SETTING REGULATIONS AND PENALTIES FOR VIOLATIONS, AND REPEALING ORDINANCE 171 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 698 AN ORDINANCE REPEALING ORDINANCE NO. 306, AN ORDINANCE REGULATING PARKING IN THE CITY OF AUMSVILLE as Presented
- I move to approve the second reading by Title Only and Ordinance No. 699

AN ORDINANCE REGULATING THE USE OF BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER SKATES AND SIMILAR APPARATUS WITHIN THE CITY AND REPEALING ORDINANCE NO. 349 as Presented

- I move to approve the second reading by Title Only and Adopt Ordinance No. 700 AN ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC, ESTABLISHING A TRUCK ROUTE, AND REPEALING ORDINANCE 363 as Presented
- I move to approve the second reading by Title Only and Adopt Ordinance No. 701 AN ORDINANCE REPEALING ORDINANCE NO. 370, AN ORDINANCE CONCERNING THE OREGON UNIFORM TRAFFIC CODE as Presented
- I move to approve the second reading by Title Only and adopt (with modifications) Ordinance No. 702 AN ORDINANCE REQUIRING ALL BUSINESSES AND PEDDLERS IN THE CITY OF AUMSVILLE TO MAKE APPLICATION FOR A LICENSE, FIXING FEES, PROVIDING FOR THE MANNER FOR ENFORCING THIS ORDINANCE, AND REPEALING ORDINANCE NO. 659 as Presented

**CITY OF AUMSVILLE
ORDINANCE NO. 682**

AN ORDINANCE UPDATING THE AUMSVILLE MUNICIPAL CODE TO INCLUDE PROVISIONS RELATING TO SOCIAL GAMES AND REPEALING ORDINANCE NO. 311

WHEREAS, Oregon Revised Statute 167.121 permits cities to authorize the playing and conducting of social games in private businesses, private clubs, and places of public accommodation; and

WHEREAS, the City desires to permit, with limitations, playing and conducting social games in private businesses, private clubs, and places of public accommodation within the City; and

WHEREAS, Council finds it is in the public interest to authorize the playing and conducting of social games in private businesses, private clubs, and places of public accommodation, and

NOW THEREFORE, the City of Aumsville ordains as follows:

Section 1: The Aumsville Municipal Code is amended to include the provisions as shown in Exhibit A.

Section 2: This ordinance is and shall be effective 30 days from its date of passage by Council.

Section 3. Repeal. Ordinance 311 is hereby repealed.

Section 4. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

EXHIBIT A

SOCIAL GAMING

Section 1. Definitions

As used in this ordinance:

- (A) **Social Game** means a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.
- (B) **Chief of Police** or **Chief** means the chief of the city police department or their designee.
- (C) **City Administrator** means person appointed by the Council to manage City operations or their designee.

Section 2. Social Games – Authorization and Conditions

Social games as defined in Section 1 above are authorized only when each of the following applicable conditions are met:

- (A) No house player, house bank, or house odds exist;
- (B) There is no house income from operation of a social game;
- (C) The social game cannot be observed from a public right-of-way;
- (D) The room or enclosure where the social game takes place is open to free and immediate access by any police officer;
- (E) Doors leading into the social game room must remain unlocked during all hours of operation;
- (F) No owner or "principal managing employee" (as described below) may participate in any social game on the premises;
- (G) Charges for consumer goods sold on the premises to an individual playing a social game must neither be higher nor lower than the price charged a non-participant in a social game;
- (H) No owner or principal managing employee may accept any payment, fee, service, or gratuity from a social game participant as consideration for participation in the social game on the premises;
- (I) No owner or principal managing employee may charge a rental or lease fee for the use of a social game;
- (J) At no point in time may a social game be conducted without an owner or principal managing employee present;
- (K) No membership fee or cover fee may be charged for participation in the social game; and
- (L) All social gaming activities and the business where social gaming is permitted must comply with all applicable federal, state, and local laws and regulations.

Section 3. Exception: The city administrator may permit charitable, fraternal, or religious organizations located in the city limits to conduct social gaming activities such as bingo, lotto, raffle games, or Monte Carlo events operated in compliance with ORS 167.118.

Section 4. Responsibilities of Owner and Person in Charge

(A) An owner or person in charge of a business where social gaming is permitted shall:

1. Clearly designate the areas set aside for social gaming.
2. Designate an agent or employee to act as person in charge of a social gaming premise whenever social games are being played. An owner shall be strictly liable for any violation of this chapter which occurs when no person in charge is present at the social gaming premises.
3. Be strictly liable for any violation of the provisions of this chapter by a person in charge, agent, employee, or designee.
4. Not allow social gaming activities on the premises unless the private business, private club, or place of public accommodation meets all applicable requirements of the AMC and has been legally established and in existence for at least six months.
5. Obtain a license from the city of Aumsville to permit social gaming approved by the police chief, city administrator, or designee. Fees will be established by Council resolution fee schedule.

Section 5. Inspection of Social Games Premises

All persons authorizing social games on premises owned or managed pursuant to this ordinance shall permit upon presentation of official identification, entry to premises to any member of the Police Department for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with this ordinance.

Section 6. Notice of Social Games Required

Where social games are conducted, each owner or person in charge of the premises shall continuously and conspicuously post notice clearly readable and in letters at least 1 inch high that such games must be conducted in accordance with the conditions set forth in Section 2 which conditions shall be listed in their entirety.

Section 7. Civil Penalties

The Chief may assess civil penalties for any violation of the provisions of this ordinance in an amount not to exceed \$1000 per violation. Each day shall constitute a separate violation for purposes of this section.

ORDINANCE NO. 683

AN ORDINANCE LIMITING THE POSTING, PLACING, DISPLAYING, AND ATTACHING OF SIGNS OR ANY OTHER MATTER ON PUBLIC PROPERTY TO ANY TREE, POLE, OR POST SITUATED ON ANY PUBLIC PROPERTY WITHIN THE CITY, AND REPEALING ORDINANCE 316.

The city of Aumsville, Oregon, ordains as follows:

Section 1. Definitions. As used in this ordinance, the following terms are defined asset out herein.

Public Agency. The City, County, State, or Federal government.

Public Property. Property under the control, dominion, and/or ownership of a Public Agency.

Public Right-of-Way. A public area dedicated or deeded to the public for public use under the control of a Public Agency, allowing for the passage of people or goods, including passageways such as streets, setback areas, bike paths, alleys, sidewalks, and walkways.

Sign. Any materials placed or constructed or light projected conveying a message or image used to inform or attract the attention of the public. Examples include materials or lights within the scope of the preceding sentence commonly referred to as signs, placards, A-boards, posters, billboards, murals, diagrams, banners, flags, or projected slides, images, or holograms. The scope of the term 'sign' is not dependent upon the content of the message or image conveyed.

Section 2. Prohibition. Except as otherwise specifically described below, no person may attach, install, construct or otherwise place any sign in or on building, structure, tree, pole, fence, or post located on Public Property or Public Right-of-Way within the City.

All signs on private property are subject to the standards in the Aumsville Development Code.

Section 3. Exceptions. The limitation described above in Section 2 do not apply to signs owned and or installed either by or at the direction and/or permission of a public agency on public property under their control, dominion, and/or ownership.

Section 4. Abatement. The Aumsville Police and/or Public Works Departments may remove any sign or other device located in violation of this ordinance.

Section 5. Penalty. Violations of this ordinance shall be deemed an offense subject to a penalty not to exceed \$250. Every full business day during which a violation exists constitutes a separate violation.

Section 6. Repeal. Ordinance 316 is hereby repealed.

Section 7. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 684

AN ORDINANCE REPEALING ORDINANCE NO. 344, AN ORDINANCE CONCERNING THE OREGON CRIMINAL CODE

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer needed; the City Attorney recommended repealing.

Section 2. REPEAL. ORDINANCE NO. 344, AN ORDINANCE ADOPTING ALL AMENDMENTS AND CHANGES MADE TO THE OREGON REVISED STATUTES CONCERNING THE OREGON CRIMINAL CODE BY THE 1987 LEGISLATURE AND DECLARING AN EMERGENCY. dated November 16, 1987; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November, 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 685

AN ORDINANCE REPEALING ORDINANCE NO. 366, CONCERNING THE OREGON REVISED STATUTES CHAPTER 480 RELATING TO EXPLOSIVES

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer needed, the City Attorney recommended repealing.

Section 2. REPEAL. ORDINANCE NO. 366, AN ORDINANCE ADOPTING OREGON REVISED STATUTES CHAPTER 480 RELATING TO EXPLOSIVES, FLAMMABLE MATERIALS, FIREWORKS AND PRESSURE VESSELS IN ITS ENTIRETY AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT HEREOF. dated December 11, 1989; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November, 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 686

AN ORDINANCE DEFINING NUISANCES, PROVIDING FOR THEIR ABATEMENT, PRESCRIBING PENALTIES, AND REPEALING ORDINANCE NO. 369

The city of Aumsville, Oregon, ordains as follows:

Section 1. Incorporation of State Statute and Aumsville Ordinances. Any reference to state law or statute (Oregon Revised Statutes – ORS) or provisions of the Aumsville City Ordinances incorporated into this ordinance refers to the state statute or ordinance provisions in effect on the effective date of this ordinance.

Section 2. Definitions. Except where the context requires otherwise, the singular includes the plural and the masculine gender includes the feminine and the following terms are as defined mean:

- (A) Animal. Any animals as distinguished from and not including humans, including mammals, fowl, reptiles, and fish.
- (B) Chief of Police means the chief of the Aumsville Police Department or their designee.
- (C) City. The city of Aumsville, Marion County, state of Oregon.
- (D) City Administrator means the city administrator of the city of Aumsville or designee.
- (E) City Council. The governing body of the City.
- (F) Court. The court of competent jurisdiction to hear these matters.
- (G) Dog. The word "dog" shall include both the male and female sex of the species.
- (H) Domestic Animal. An animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.
- (I) Dwelling Unit. A group of one or more rooms designed or intended for use as a residence, including a single-family home, a townhouse, a duplex, a condominium, and an apartment.
- (J) Infraction Complaint. The document which when properly served upon the alleged ordinance violator brings the matter before the appropriate court for resolution. The elements of an infraction complaint are set forth in Section 15 of this ordinance.
- (K) Inoperable Vehicle. A unit designed and built to transport people or objects from one place to another which:
 - 1. Has been left on private property for more than 30 days; and
 - 2. Has broken or missing window(s), or an engine that will not run, or lacks a transmission, or is missing tire(s) or wheel(s); or
 - 3. Is unlicensed for the current year; constitutes a presumption that the vehicle is inoperable.
- (L) Junk. The term junk includes all inoperable vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material like household furniture.
- (M) Leash. A physical tethering the animal to the owner, not more than 8 feet long.

- (N) Livestock. Horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, or any animal of similar size or larger maintained, commercially or otherwise.
- (O) Owner. Any person, individual, corporation, partnership, or other legal entity who has legal or equitable interest in real property or a vehicle or an animal, or possessory interest therein.
- (P) Person. Includes:
1. The owner, title holder, contract seller, or contract buyer of the land upon which the violation is occurring, is equally responsible for the nuisance violation, as is the possessor, user of the land, or the person who is taking the action, conduct, or omission which constitutes a nuisance.
 2. The United States or agencies thereof, any state, public, or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate, or any other legal entity, contractor, subcontractor, or combination thereof.
- (Q) Person in Charge of Property. An agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of the property.
- (R) Person Responsible. The person responsible includes:
1. The owner of the property, or the owner's manager or agent or other person or entity in control of the property on behalf of the owner; and/or,
 2. The person or entity occupying the property, including a bailee, lessee, tenant, or other having possession.
 3. Responsible party for a specific property shall be presumed from the following:
 - a) The owner and the owner's agent, as shown on the assessor's tax rolls of Marion County.
 - b) The resident or occupant of the property, as shown on the records (including utilities records) of the city of Aumsville.
- (S) Public Place. A building, place, or accommodation, whether publicly or privately owned, open and available to the general public.
- (T) Poultry. Domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl typically raised for meat or eggs.
- (U) Structure. Anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

ANIMAL NUISANCES

Section 2. Animals and Bees.

- (A) No person shall keep or allow a stand or hive of bees, wasps, or any bee like insect on property within 20 feet of the property's boundary line.
- (B) No person may keep or maintain pigs within the city limits.
- (C) No person may keep or maintain livestock or poultry within the city unless:
1. Such animals are kept on lots having an area of one acre or more; except chickens which are allowed subject to the following:
 - a) No more than four chickens are allowed on any lot;

- b) roosters are prohibited;
 - c) kept on property occupied by a single-family or duplex dwelling;
 - d) kept in an enclosed coop or run at all times;
 - e) kept for personal, non-commercial use only;
 - f) Chicken coop and/or run shall have a setback of 5 feet from any property boundary.
 - g) The total number of animals over six months of age to be kept or maintained shall not exceed four per acre.
- (D) No person shall ride or lead livestock on sidewalks of the city.
- (E) No person shall ride or lead livestock in any of the designated park areas of the city.
- (F) Any owner of an animal (see definition of animal) or person responsible shall remove excrement or other solid waste deposited by that animal on public or private property.
- (G) No person who keeps, possesses, or otherwise maintains any animal shall allow the accumulation of raw or untreated animal manure which creates an offensive odor to occur upon any property whether public or private.
- (H) No owner shall knowingly feed wild animals, or leave food accessible to wild animals, except wild birds; or permit any animal or bird that is afflicted with a communicable disease to come in contact with another animal, bird, or human that is susceptible to the affliction.
- (I) No domestic animal, livestock, or poultry shall run at large within the city upon any public street or other public place or trespass upon private property not owned or controlled by the owner or person responsible of such animal; except cats.
- (J) Limitation on number of dogs and cats kept per dwelling unit:
1. It shall be unlawful for any person to own a total number of more than four dogs and cats, and one litter of puppies or kittens under six months of age per dwelling unit on property in the city.
 2. Feeding animals may constitute ownership for the purpose of this ordinance.
- (K) Exercising dogs: Dogs may be walked upon the streets and sidewalks of the city, but must be retained on a leash, and must be handled by persons who can control the animal in all situations. Dogs may be in public parks but are subject to adopted park rules. A leash is required in all areas except areas posted for off-leash activities.

NUISANCES AFFECTING PUBLIC HEALTH

Section 3. Nuisances Affecting Public Health and Welfare. No person shall cause or permit a nuisance affecting public health on property owned or controlled by them.

The following are nuisances affecting public health:

- (A) Accumulations of garbage, debris, rubbish, manure, or other refuse that are not removed within a reasonable time that may affect the health or welfare of the city.
- (B) Stagnant water that affords a breeding place for mosquitoes and other insect pests.
- (C) Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial waste, or other substances placed in or near the water in a manner that will cause harmful materials to pollute the water.

- (D) Premises that are in such a state or condition as to cause an offensive odor, that are in an unsanitary condition, or that attract or are breeding grounds for mice, rats, and other vermin. Drainage of liquid wastes from private premises.
- (E) Plastics, oil, grease, or petroleum products introduced into the storm or sewer system, or spilled or poured on the ground, including landscaped areas, vacant lots, graveled areas, and paved areas
- (F) Taking lodging or camping in a car, outbuilding, or other place not intended for that purpose. In addition, there will be no overnight camping or tenting on public property without prior approval of the City.

Section 4. Unreasonable Noise.

- (A) No person shall make, assist in making, or permit any loud, unreasonable, and unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.
- (B) The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but the enumeration shall not be construed to be exclusive:
 1. The keeping of any bird or animal which causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
 2. The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity.
 3. The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling, or other noise, with the exception of those vehicles that have been modified for a specific public service functions.
 4. The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger.
 5. The blowing of any steam whistle attached to any stationary boiler or sounding of any siren except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper City authorities.
 6. The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled.
 7. The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 7:00 p.m. except upon special permit granted by the city administrator.
 8. Construction, excavation, demolition, alteration, or repair of a building, vehicle, or machinery, including the starting of an engine, other than between the hours of 7:00 a.m. and 6:00 p.m. weekdays and between 9:00 a.m. and 7:00 p.m. on weekends, or in residential, commercial, or industrial garages or in a building between the hours of 7:00 a.m. and 9:00 p.m.; except within the limitations of a noise permit issued by the city administrator.
 9. The use of any bell, gong, or siren upon any vehicle, other than police, fire, or other emergency vehicle.
 10. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court of justice while the same are in use, or

adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients.

11. The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and emission of annoying smoke.
12. The use or operation of any automatic or electric piano, television, phonograph, loud speaker, stereo, or radio, television, loudspeaker of any instrument for sound producing or any sound-amplifying device so loudly as renders the use thereof a nuisance; provided, however, that the sound, when measured at or upon application to the boundary of property which is not the source, exceeds the maximum permitted sound level of 70 dBA sound level decibels; music, news, speeches, or is plainly audible at any time at a distance of 100 feet from the source of the sound.
13. The conducting, operating, or maintaining of any garage within 100 feet of any private residence, apartment, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.
14. Nothing in this section shall be construed to prohibit the Aumsville Rural Fire Department from using or cause to be used the siren located at the fire department for emergency reasons when necessary for the health, safety, or welfare of the city.
15. City permits may be granted to a responsible person or organization.

NUISANCES AFFECTING PUBLIC SAFETY

Section 5. Creating a Hazard. No person shall create a safety hazard by:

- (A) Maintaining or leaving in a place accessible to children, a container with a compartment of more than one and one-half cubic feet in capacity, and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside.
- (B) Being the owner or otherwise having possession of property on which there is a swimming pool, hot tub, spa, well, cistern, cesspool, excavation, or other holes of a depth of 4 feet or more, and a top width of 12 inches or more and failing to cover or fence it with a suitable protective construction.
- (C) Leaving a structure or materials in the public right-of-way, including sidewalks, in the city.
- (D) The burning of trash, leaves, or debris that creates an unreasonable amount of smoke, odor, or toxic fumes.

Section 6. Attractive Nuisances.

- (A) No owner or person in charge of property shall permit on the property:

1. Unguarded machinery, equipment, or other devices that are attractive, dangerous, and accessible to children.
2. Lumber, logs, or piling placed or stored in a manner so as to be attractive, dangerous, and accessible to children.
 - a) No owner or person in charge of property shall leave garbage or recycling cans in a street for more than 24 hours before or after scheduled service day.
 - b) This section does not apply to authorized construction projects with reasonable safeguard to prevent injury or death to children.

Section 7. Defective Sidewalks.

- (A) No owner of property, improved or unimproved, abutting on a public sidewalk or right-of-way, shall permit the sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, settling, covering by dirt, heaves caused by tree roots or other causes, or other similar occurrences, the sidewalk becomes a hazard to persons using it.
- (B) The City shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt, heaves, or other similar conditions. Abutting property owners shall maintain sidewalks free from such conditions and are liable for any and all injuries to persons or property arising as a result of their failure to so maintain the sidewalks.

Section 8. Noxious Vegetation.

- (A) The term noxious vegetation does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire hazard or traffic hazard within the meaning of subsection (B).
- (B) The term noxious vegetation does include at any time of the year:
1. Weeds more than 10 inches high;
 2. Grass more than 10 inches high and not within the exception stated in subsection (A) of this section;
 3. Poison ivy / poison oak;
 4. Blackberry bushes, or any other berry, wild or planted and maintained, that extend into a public thoroughfare or across a property line;
 5. Scotch broom and other non-native and invasive vegetation;
 6. Vegetation that is:
 - a) A health hazard;
 - b) A fire hazard because it is near other combustibles;
 - c) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes the thoroughfare hazardous.
 7. No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting the property. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, weeds, or other noxious vegetation as often as needed

to prevent them from becoming unsightly, from becoming a fire hazard, or in the case of weeds or other noxious vegetation, from maturing or going to seed.

Section 9. Unauthorized Dumping and Storage.

- (A) No person shall dump, store, or otherwise deposit, on public or private property, rubbish, trash, trash containers, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or that would be likely to injure a person, animal, or vehicle traveling on a public way.
- (B) No person shall deposit trash, rubbish, debris, or refuse which was generated from a residence or business into public trash receptacles or in city parks and public property.
- (C) No person shall put, place, sweep, throw, brush, blow, or in any other manner deposit any yard waste or other vegetative and non-vegetative matter (i.e., grass, leaves, bark dust, mulch, dirt, sand, gravel) upon any sidewalk, street, alley, or gutter.

Section 10. Trees, Bushes, and Shrubs.

- (A) No owner or person in charge of property that abuts a street or public sidewalk shall allow or permit trees or bushes or shrubs on property to interfere with vehicular or pedestrian traffic. The person responsible shall keep all trees, bushes, or shrubs on the premises, which includes the adjoining parking strip, trimmed so that any overhanging portions are at least eight feet above the sidewalk and at least fourteen (14) feet above the roadway.
- (B) No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard within right-of-way or public properties.

Section 11. Fences.

- (A) No owner or person in charge of property shall construct or maintain a barbed wire fence or permit barbed wire to remain as part of a fence unless it is positioned to the top 12 inches of any fence where allowed within a particular zone.
- (B) No owner or person in charge of property shall construct or maintain a fence incorporating materials that will do bodily harm such as broken glass, spikes, razor wire, electric fence, or other hazardous or dangerous materials.

Section 12. Surface Water, Drainage.

- (A) No owner or person in charge of a building or structure shall permit rainwater, ice, or snow to fall from the building or structure on a street or public sidewalk or to flow across the sidewalk.
- (B) The owner or person in charge of property shall install and maintain in a proper state of repair, adequate drainpipes or a drainage system, so that overflow water accumulating on the roof or about the building is not carried across or on the sidewalk.

Section 13. Radio and Television Interference.

- (A) No person shall operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design, or with a cell phone, tablet computer, or other computer.
- (B) This section does not apply to devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

Section 14. Junk.

- (A) No person shall keep junk outdoors on a street, lot, or premises, or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.
- (B) No person shall allow the accumulation or storage of any junk items in the front yard of a residential, commercial, or industrial properties unless otherwise permitted with site development review.
- (C) No person shall allow inoperable vehicles, motor vehicle parts, abandoned automobiles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, wood or other waste or discarded material to be stored in the front yards, driveways, or on city streets.

DERELICT BUILDINGS

Section 15. Derelict Buildings.

- (A) It is a public nuisance for any person in charge of property to permit or allow derelict buildings to be present or remain on a property.
- (B) Derelict buildings, which may be abandoned and may or may not be in a state of deterioration, creating negative impacts on surrounding buildings and districts by attracting trespassers or vagrants, by presenting an unattractive appearance compared to the design, care, and upkeep of neighboring properties, or by being the site of vandalism and other crimes and misdemeanors thereby increasing incidents or potential for incidents on surrounding properties, such that the derelict building or buildings degrade the economic activity or economic potential of surrounding properties by discouraging customer visits, by discouraging investment in new or remodeled buildings, by discouraging property rentals or sales, by discouraging maintenance of surrounding properties, by discouraging the employment of qualified employees, and other factors leading to a diminishment of economic activity, value, utility, and vitality in the surrounding area are declared to be a nuisance.
- (C) Derelict buildings may or may not create a safety hazard to occupants or members of the public.

ABATEMENT PROCEDURE OTHER THAN FOR DERELICT BUILDINGS

Section 16. Inspection, Infraction Complaint, Abatement, and Other Remedies. Other than for derelict buildings which are regulated by Section 15, above, one or more of the following procedures may be used to enforce this ordinance:

(A) Inspection:

1. Inspections not requiring entry upon private land do not require the responsible property owner's authorization.
2. In non-emergency situations attempted personal, telephone, or written contact will be made to contact the person responsible for fifteen days prior to entering onto private land for inspection. After such attempt, the city administrator, or designee, or any police officer shall have the power to enter onto private land for the purpose of investigating or abating any nuisance during regular working hours, but they shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.
3. In emergency situations, where there is a possibility of eminent danger to human life or property; the city administrator, or designee, or any police officer shall have the power to enter onto private land for the purpose of investigating. The investigation may proceed at any time.

(B) Infraction Complaint:

1. An infraction complaint may be used for violation of this ordinance.
2. Infraction complaints may be filed against the same person for repeated or continued violations of this ordinance.
3. Each 24-hour period constitutes a separate occurrence.
4. The infraction complaint shall consist of the following four parts: the complaint, the abstract of record, the officer's record, and the summons.

(C) Abatement:

1. On determination by the chief of police, city administrator, or designee that a nuisance exists, they shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
2. At the time of posting, the staff member shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at the person's last known address.
3. The notice to abate shall contain:
 - a) A description of the real property, by street address or otherwise, on which the nuisance exists;
 - b) A direction to abate the nuisance within 10 days or other timeframe contained within this ordinance from the date of the notice;
 - c) A description of the nuisance;
 - d) A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person responsible.

- e) A statement that the person responsible may protest the order to abate by giving notice to the city administrator within 10 days from the date of the notice.
 - i. If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
 - ii. Upon completion of the posting and mailing, the person posting and mailing shall execute and file certificates stating the date of mailing and place of the posting.
 - iii. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.
- (D) Other Remedies. Institute a complaint in the circuit court for any other remedy provided by law, including injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, or abate the violation.

Section 17. Abatement by the Person Responsible.

- (A) Within 10 days after the posting and mailing of notice as provided in Section 16, the person responsible shall remove the nuisance or show that no nuisance exists.
- (B) A person responsible, protesting that no nuisance exists, shall file a written notice that specifies the basis for the protest with the city administrator.
- (C) The statement shall be referred to Council as a part of its regular agenda at its next scheduled meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by Council. Council shall determine whether a nuisance in fact exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in cases where a written statement has been filed as provided.
- (D) If Council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after Council determination.

Section 18. Joint Responsibility. If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

Section 19. Abatement by the City.

- (A) If the nuisance has not been abated by the person responsible within the time allowed, the city administrator, chief of police, or designee may cause the nuisance to be abated.
- (B) The officer charged with abatement of the nuisance shall have the right to enter into or upon property at reasonable times to investigate or cause the removal of a nuisance.

(C) The City shall keep an accurate record of the expense incurred by the City in physically abating the nuisance and shall include a charge of 20 percent of those expenses for administrative costs.

Section 20. Assessment of Costs.

- (A) The city administrator or designee shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:
1. The total cost of abatement, including the administrative costs;
 2. That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;
 3. That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the city administrator not more than 10 days from the date of the notice.
- (B) No sooner than 30 days after the date of the notice, Council, in the regular course of business, shall hear and make a decision on the objection to the costs assessed.
- (C) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as decided by Council, shall be made by resolution and shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.
- (D) The lien shall be enforced and shall bear interest at the rate of up to nine percent per annum. The interest shall begin to accrue from the date of entry in the lien docket.
- (E) An error in the name of the owner or person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

ABATEMENT PROCEDURE FOR DERELICT BUILDINGS

Section 21. Identification and Declaration of Derelict Buildings

- (A) Council must declare a building or buildings to be a nuisance due to being derelict as defined in Section 15 in accordance with the following process:
1. The city administrator or designee shall determine if a building or buildings or vacant lot is potentially derelict in accordance with Section 15. The Building Official, Fire Marshal, Public Health Officer, Police Chief, or other qualified authority will be consulted in making such a potential determination.
 2. The city administrator or designee shall notify the property owner of any property found to be potentially derelict of the circumstances leading to the determination of potential violation and notify the property owner of the process of Council declaration, enforcement, and abatement. Notification shall be by certified letter and shall provide a reasonable period for the property owner to correct the circumstances leading to the potential declaration.

3. If the property owner does not correct the circumstances leading to the potential declaration within the timeframe provided in the notification letter, the city administrator shall set a hearing before Council on the matter.
 4. Notice of the public hearing shall be given in the manner proscribed for a Type III land use proceeding.
 5. Council will consider the report of the city administrator or designee and testimony received at the public hearing to determine if the circumstances of the subject property meet the description of a Derelict Building found in Section 15.
 6. If Council finds the subject property does not meet the description of a Derelict Building, by motion it may dismiss the matter.
 7. If Council finds the subject property does meet the description of a Derelict Building, Council shall adopt an order declaring the building or buildings to be derelict and therefore a nuisance in violation of this ordinance. The order shall include findings of fact documenting the evidence supporting the declaration.
- (B) A building or buildings found to be derelict and therefore a nuisance are subject to the enforcement provisions and the abatement provisions of this ordinance. However, Council, by its declaration, may waive some or all of the enforcement provisions and order abatement and cost recovery.
- (C) If necessary to vacate a building for public health, safety, or welfare the city administrator or its designee shall cause the nuisance to be abated and cause the building to have posted at each entrance a notice stating:

NUISANCE NOTICE
BUILDING IS NOT SAFE TO OCCUPY

It is a violation of City of Aumsville Code to
occupy this building or remove this notice.

- (D) The City or its agents shall not be liable for trespass or conversion required for providing notice or ensuring compliance with notices and abatement procedures.
- (E) If an order of abatement has been issued by the city administrator and 10 days following the notice mailed pursuant to Section 21, specifying said abatement the act or condition remains unabated and no appeal has been filed, the City Administrator may cause abatement of the nuisance by entering the property, if necessary, and abating the nuisance including demolition of buildings, removal of property, and site cleanup. In the case of a declared derelict building and if Council has waived the enforcement provisions, the city administrator may immediately cause abatement of the nuisance.
- (F) Real or personal property removed during an abatement process shall be in possession by the City but shall remain the property of the property owner or occupant of the subject property. Such real or personal property may be returned to the possession of the owner following abatement or may be sold at the discretion of

the City in accordance with applicable state law. Proceeds of any sale shall be used to help defray the abatement costs are described in Section 20. Any proceeds in excess of the abatement costs shall be turned over to the property owner or occupant as appropriate.

- (G) Accurate records of the abatement costs shall be kept and shall include a surcharge of 25% of the cost of the abatement for administrative overhead. A billing for the amount of the costs shall be sent by certified or registered mail, return receipt requested, to the Responsible Person(s). Payment shall be due to the City of Aumsville within 30 days from the date of the billing. If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city for abating the nuisance.
- (H) Within 14 days of the date of the notice of assessment costs, the property owner or Responsible Person may object in writing to the city administrator. Any objections must be heard at the next Council meeting according to the procedures required for a quasi-judicial hearing. The decision of Council must be recorded in the minutes.
- (I) The cost of abatement may be waived for indigent persons, if upon timely application it appears to the city administrator that the following conditions are met:
 1. The owner is indigent, as that determination is provided for in ORS 151.485;
 2. The owner is living on the property from which the nuisance is to be abated; and
 3. The nuisance is incapable of being remediated by the owner.
- (J) Applications for a waiver of abatement costs shall be filed with the city administrator on forms supplied by the City within 14 days from the date of notice of the amount of cost of abatement. All information required to be given on the forms shall be supplied by and verified by the applicant. An application for waiver of nuisance abatement costs must be submitted for each cost of abatement notice sent to the applicant.
- (K) The city administrator shall file a lien against the property in Marion County real property records if payment is not made as provided in this section or waived under this section. Interest on the lien shall accrue on the amount of assessment due at the rate of (9%) nine percent per annum from the date the lien is recorded. The lien shall be enforced in the same manner as assessments for public improvements. Any error in the name of the owner or Responsible Person shall not void the lien. Neither shall failure to receive the notice of the proposed assessment render the lien void. Only final payment of the total amount due for the abatement of the assessment shall remove the lien. Once final payment is received the City of Aumsville shall record a release of the abatement lien. The lien provided for in this section shall be given priority over all liens except those for taxes and assessments.

GENERAL

Section 22. Summary Abatement. The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances. The chief of the fire department, a law enforcement office, or any other city official may proceed

summarily to abate a health or other nuisance which unmistakably exists and which eminently endangers human life or property.

Section 23. Penalties. A violation of a provision of this ordinance is punishable by a fine not to exceed \$500.00. The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, abatement of a nuisance within 10 days of the date of a notice to abate, or if a written protest has been filed, then abatement within 10 days of Council determination that a nuisance exists, will relieve the person responsible from the imposition of a penalty under this section. The city administrator, chief of police, or Council, if referred to them, may at any time, whether before or after the issuance of one or more infraction complaints or notices to abate, extend the abatement of a nuisance to more than 10 days.

Section 24. Separate Violation. Each day's violation of a provision of this ordinance constitutes a separate offense.

Section 25. Attorney Fees. In any action brought pursuant to this ordinance, the court may, in its discretion, award reasonable attorney fees in addition to any fines or penalties.

Section 26. Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 27. Repeal. Ordinance 639 is hereby repealed.

Section 28. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 687

AN ORDINANCE LIMITING THE CONSUMPTION OF ALCOHOLIC LIQUOR UPON PUBLIC STREETS AND OTHER PLACES; PRESCRIBING A PENALTY THEREFORE AND REPEALING ORDINANCE NO. 405.

The city of Aumsville, Oregon, ordains as follows:

Section 1. Definitions. "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by human beings.

"Public place" means a place to which the public has access, including but not limited to any public street, alley, park, school grounds or other public grounds, or areas within the city limits of Aumsville.

Section 2. Alcoholic Liquor Prohibited in Public Places. Subject to the exemptions found in Section 3 below, no person shall consume or possess an open container of alcoholic liquor while in or upon any public place.

Section 3. Exemptions. The following public places are exempt under this ordinance:

- (A) Interior building or any tavern or lounge duly authorized and licensed under Oregon law and the rules and regulations of the Oregon Liquor Control Commission.
- (B) Any public area exempted by a majority vote of Council.

Section 4. Penalties. Any person violating the provisions of this ordinance is subject to a civil penalty not to exceed Five Hundred Dollars (\$500.00) per occurrence.

Section 5. Repeal. Ordinance 405 is hereby repealed.

Section 6. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the ____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 688

AN ORDINANCE CREATING A JUVENILE CURFEW WITHIN AUMSVILLE'S CITY LIMITS; ESTABLISHING PARENTAL / GUARDIAN RESPONSIBILITY AND REPEALING ORDINANCE NO. 410.

The City of Aumsville ordains as follows:

Section 1. Minors Nighttime Curfew. No minor under 18 years of age may be in or upon any street, highway, park, alley, or other public place between the hours of 10:00 p.m. and 6:00 a.m. the following morning, Sunday through Thursday and 12:00 midnight and 6:00 a.m. the following morning, Friday and Saturday unless the minor is:

- (A) Accompanied by a parent, guardian, or other person 18 years of age or over authorized by the parent or by law to have care and custody of the minor; or
- (B) Engaged in lawful pursuit or activity requiring the presence of the minor in such public places during the hours specified in this section; or
- (C) Emancipated pursuant to ORS 419B.550 to 419B.558.

Section 2. Minors Daytime Curfew.

(A) No minor between the ages of 7 to 18 years, who has not completed 12th grade may be in or upon any street, highway, park, alley, or other public place during regular school hours, excepting attending school unless:

- (1) Accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor;
- (2) Engaged in lawful pursuit or activity requiring the minor's presence in such public places during regular school hours and said presence is authorized by the minor's parent, guardian, or other person having the legal care and custody thereof;
- (3) Validly emancipated pursuant to Oregon or other law; or
- (4) The minor is authorized and approved to be away from the school as provided in ORS 339.030 and 339.065, but is not suspended or expelled.

(B) For the purpose of this section, "regular school hours" are those full-time school hours for the school which the minor would attend in the school district where the minor resides on days the school is in session excepting days resulting from scheduled vacations, holidays, or when inclement weather/other similar events preclude attendance.

Section 3. Parental Responsibility.

(A) No parent, guardian or other person having legal custody of a minor under 18 years shall allow or permit the minor to be in violation of Section 1 above.

(B) No parent, guardian, or person having legal care and custody of a minor between the ages of 7 and 18 years shall allow such minor to be in violation of Section 2 above.

(C) No parent, guardian, or other person having legal care and custody of a minor under 18 years may fail, refuse, or neglect to come to the police department after

being notified by the police of the minor's custody at the police department. The minor, subject to the terms of ORS 419C100, be then released to the parent, guardian or other person have legal care and custody of the minor.

- (D) Violating the obligations under this section is subject to a maximum civil penalty not to exceed \$250.00 per day per minor.

Section 4. Enforcement.

- (A) A police officer or any other law enforcement officer is authorized to take a minor violating Section 1 and/or Section 2 above into custody and thereafter take the minor to the police department. The officer shall thereupon use his/her due diligence to locate the parent, guardian, or other person having legal custody of the minor, and subject to ORS 419C.100, may release the minor to such person at the police department.
- (B) For violations of Section 2, a police or other law enforcement officer, may after locating and notifying the parent, legal guardian, or other person having legal care of the minor that the officer may, with that person's agreement release the minor to the principal or other designated official at the school where the minor is enrolled.

Section 5. Repeal. Ordinance 410 is hereby repealed.

Section 6. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 689

AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS GRAFFITI IMPLEMENTS, PROVIDING FOR THEIR SEIZURE AND PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 433.

The City of Aumsville ordains as follows:

Section 1. Definitions.

- (A) Aerosol Paint Container. Any aerosol container adopted or made for spraying paint.
- (B) Etching Device. A glass cutter, awl, or any device capable of scratching or etching the surface of any structure or personal property.
- (C) Felt Tip Marker. Any indelible marker or similar implement with a tip, which, at its broadest width, is greater than one-fourth inch.
- (D) Graffiti. Any inscription, word, figure or design that is marked, etched, scratched, drawn, or painted on any surface that is not authorized by the owner or person in charge of the property.
- (E) Graffiti Implement. Any aerosol paint container, a felt tip marker, an etching device, or a graffiti stick.
- (F) Graffiti Stick. A device containing a solid form paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth of an inch in width.

Section 2. Unlawfully Possessing Graffiti Implement. No person may possess, with the intent to unlawfully apply graffiti on any real or personal property of another, any graffiti implement.

Section 3. Seizure Impoundment. In addition to any citation issued, a graffiti implement possessed in violation of this ordinance may be immediately seized and impounded by the Aumsville Police Department. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed contraband and disposed of according to state law.

Section 4. Penalty. A conviction for violation of Section 2 of this ordinance shall be punishable by a fine not to exceed \$3,000; in conjunction with the fine, community service shall also be ordered consistent with Section 5 below.

Section 5. Community Service. In conjunction with a fine that may be imposed for violation of this ordinance the court shall order community service. To the extent possible, the community service shall be applied for the removal of graffiti and restoration of all surfaces to their original condition prior to the graffiti damage.

Section 6. Parental Civil Liability. In addition to any other remedy provided by law, the parent or parents of an unemancipated minor child shall be liable for actual

damages to person or property in connection with the removal of graffiti caused by said child in accordance with the provisions of ORS 30.765.

Section 7. Repeal. Ordinance 433 is hereby repealed.

Section 8. Effective Date. This ordinance shall take effect on the 30th day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 690

AN ORDINANCE ESTABLISHING PROCEDURES REGULATING ALARM SYSTEMS WITHIN AUMSVILLE, TO BE KNOWN AS THE "AUMSVILLE ALARM ORDINANCE" AND REPEALING ORDINANCE NO. 490.

WHEREAS, the occupants of residential, commercial, and industrial establishments within the incorporated areas of the City find it desirable to install and utilize alarm systems for such emergencies as burglary and robbery; and

WHEREAS, the public interest requires the enactment of rules, regulations, standards, and procedures to regulate and control the alarm systems such that the City's police department and other agencies charged with the promotion of public safety and protection of the city's citizens efficiently and economically coordinate their functions.

Based on the foregoing, the city of Aumsville ordains as follows:

Section 1. Purpose and scope.

- (A) This ordinance provides minimum standards applicable to burglary, robbery, and panic alarm systems (including systems utilizing automatic dialing devices) to promote alarm users' responsibility for maintaining the reliability and proper use of alarm systems in the City thereby preventing unnecessary emergency response(s) by the City's emergency workers to false alarms and thereby protecting the City's emergency response capability and capacity.
- (B) This ordinance establishes:
1. a requirement for alarm permits;
 2. provides for monetary penalties for excessive false alarms and delinquent accounts;
 3. provides for possible discontinuation of police response to alarms;
 4. revocation of alarm permits; and
 5. establishes a system of administration.

Section 2. Definitions.

- (A) For the purposes of this ordinance:
1. **Alarm coordinator** means the individual designated by the Aumsville City Administrator to issue permits and enforce the provisions of this ordinance.
 2. **Alarm permit** refers to the official document that is issued by the Aumsville Police Department to users of alarm systems within the city limits.
 3. **Alarm system** or **system** means any assembly of equipment, mechanical or electrical, including one interconnected with radio frequency signals which is designed to signal the occurrence of an illegal entry, emergency or other activity by emitting or transmitting a remote or local audible, visual, or electronic signal requesting emergency services personnel response. An alarm system does not

include an alarm installed on a motor vehicle or an alarm that is carried as a personal protection device on an individual's body.

4. **Alarm user** means the person, firm, partnership, association, corporation, company, or organization of any kind owning, controlling, or occupying any building, structure, or facility wherein an alarm system is maintained.
5. **Burglar alarm system** means an alarm system signaling an entry or attempted entry into an area protected by the system.
6. **City** means the City of Aumsville.
7. **False alarm** means an alarm signal that elicits a response by emergency services personnel when a situation requiring such a response does not in fact exist but does not include an alarm signal caused by violent conditions of nature or other means not reasonably subject to control by the alarm business, operator, or alarm user.
8. **Robbery alarm system** means an alarm system transmitting a silent robbery signal from a business location or a panic/duress signal from a residential location.

Section 3. Permits required—Fees—Exemptions.

- (A) Every alarm user, including those connected through an alarm center, must obtain an Aumsville alarm permit from the alarm coordinator for each alarm system prior to use thereof. Applications for an alarm permit must be filed with the alarm coordinator and must be accompanied by the required fee which fee shall be set by Council by resolution. Each permit shall be valid for one year from the date of issue.
- (B) A late penalty may be charged in addition to the alarm permit fee to an alarm user failing to obtain an alarm permit within 30 days of the system becoming operative or to a user failing to renew a permit within 45 days of the permit's expiration date.
- (C) Alarm permits are personal to the permit holder and are issued for a specified location. They are not transferable to another person or different location.

Section 4. False alarms.

For each false alarm over 3 each permit year, the permit holder must pay a fee as established by Council.

Section 5. Permit revocation.

- (A) Any alarm system having seven (7) or more false alarms during any permit year is subject to having its permit revoked.
- (B) Before revoking any permit, the police chief will give 10 days' written notice to allow the permit holder an opportunity to correct the system and submit proof thereof.

Section 6. Violation penalties.

(A) Penalties will be assessed by the alarm coordinator for false alarms as follows:

Number of False Alarms	
Within permit year:	Penalty (per violation)
3	\$__0__
4	\$__50,00__
5 or more	\$__150.00__

(1) Violation of any other provision of this ordinance is subject to a penalty not to exceed \$500.00 per violation.

Section 7. Repeal. Ordinance 490 is hereby repealed.

Section 8. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 691

AN ORDINANCE REGULATING THE USE OF PARKS, PARKWAYS, PUBLIC SQUARES, PUBLIC GROUNDS, STREETS, BOULEVARDS, PATHS, SIDEWALKS, GREENWAYS, REST AREAS, PLAYGROUNDS, AND OTHER AREAS AND REPEALING ORDINANCE NO. 505.

The city of Aumsville ordains as follows:

Section 1. Purpose, Policy, and Scope.

- (A) Council, except as otherwise expressly provided, declares its intention to exercise general supervision, management, and control of all public parks, public parkways, public squares, public ground, including but not restricted to streets, boulevards, paths, sidewalks, greenways, rest areas, playgrounds, and other areas, hereinafter collectively referred to as "public areas" whether publicly owned, dedicated, leased, or otherwise set aside for public use and not under the supervision or control of any other public agency.
- (B) All public areas as herein designated for general public use shall be kept and maintained for the use and benefit of the public, subject to such reasonable and necessary rules and regulations as herein prescribed or as may be from time to time adopted to protect and preserve the enjoyment, convenience, and safety of the general public in the use thereof.
- (C) In order to protect the health, safety, and welfare of the general public, Council declares its intention to prescribe rules and regulations as set forth or from time to time as necessary with respect to such public areas.
- (D) Parks are defined as those parks that are designated as parks by Council. It is the express intent of Council, in some circumstances, to regulate activity only in the city parks set forth herein. In those instances, the ordinance section shall designate that the conduct or activity is prohibited in the park.
- (E) In the event that someone or some organization want to use the parks and/or public areas for an event such as a demonstration/contest, a festival, a carnival, or the like, Council authorizes the city administrator to modify, change, or delete the rules and regulations that are contained in this ordinance as the circumstances may dictate; taking into account what is in the best interest of the city and its citizens. However, the city administrator shall not allow the use of alcoholic beverages on public property.

Section 2. Delegation of Authority. The city administrator is authorized to make such reasonable rules and regulations not inconsistent with this and other city ordinances and the policies of Council as herein enunciated, as may be necessary for the control and management of the public areas hereinabove designated.

All such rules and regulations shall be set forth in writing and, to the extent deemed necessary by the city administrator, shall be posted in conspicuous places in the areas affected thereby, for the guidance of the general public and individual users.

If any person feels aggrieved by any such rule or regulation, they may appeal to Council by filing with the city administrator an opposition against such rule or regulation, which shall be placed on the agenda of Council at its next regular meeting and, until amended or repealed by Council, such rule or regulation shall remain in full force and effect.

Section 3. Regulations Prescribed by Council. Council finds that it is in the public interest and necessary for the peace, health, and safety of the general public that the rules and regulations set forth in this ordinance be enforced, and for the purposes herein set forth are adopted.

Section 4. City Employees Not Affected. Nothing contained herein shall prevent the performance of any act or duty by city employees that has been duly authorized by the city administrator or public works or police department.

Section 5. Closures. No person shall ride, drive, or walk on parts or portions of the public areas or pavements as are closed at that time to public travel, or interfere with barriers erected to prevent public access to designated areas of a park during private events as permitted by the City.

Section 6. Conduct. No person shall use or play loud, boisterous, threatening, abusive language, behave in a disorderly manner, or act in any way tending to a breach of the public peace.

Section 7. Damage - Payment for Restoration.

- (A) Owners or persons in control of, or persons who permit the entry of any dog, horse, or other animal into any public area under the control of the City, in addition to any remedies imposed by this ordinance or state law for such violation may be liable for the full value of repair or restoration of any property damaged or destroyed, and if not paid upon written demand by the City, recovery may be sought by the City in any court of competent jurisdiction.
- (B) Any person who shall utilize the public areas herein described and who shall damage or destroy any public property under the control of the City, in addition to any remedies imposed by this ordinance or state law for such violation may be liable for the full value of repair or restoration of any property damaged or destroyed, and if not paid upon written demand by the City, recovery may be sought by the City in any court of competent jurisdiction.

Section 8. Commercial Activity on Public Property.

- (A) It is unlawful to engage in any commercial enterprise or activity in or on any public area under the control of the City without a permit for such commercial enterprise or activity issued by the city administrator or their designee.
- (B) As used in subsection (1) above, "commercial enterprise or activity" means either a regular course of commercial conduct or particular transaction(s) or act(s). The commercial character of an activity is determined by reference to the nature of the course of conduct or particular transaction or act rather than by reference to its purpose.

Section 9. Installations on Public Property.

- (A) It is unlawful to place, erect, install, or position any physical item or structure of any kind in any public area without a permit for such item(s) or structure(s) first being issued by the city administrator.

Section 10. Parks - Intoxicating Liquor Prohibited. Unless authorized by a vote of Council of the City of Aumsville for a community wide event, it is unlawful for any person to:

- (A) Take into or upon any park any alcoholic beverage; or
- (B) Sell or dispense any alcoholic beverage in any park.

Section 11. Rubbish Accumulation Prohibited. It is unlawful for any person to obstruct the free use and enjoyment of any public areas by misuse of refuse containers or by placing any straw, dirt, chips, paper, shavings, shells, ashes, swill or garbage, or other rubbish, or refuse or debris, in or upon any public areas, except in designated trash receptacle.

Section 12. Vandalism Prohibited.

- (A) It is unlawful for any person to remove, destroy, break, injure, mutilate, deface, or damage in any way, any structure, monument, statue, case, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower, or other property in any public areas unless otherwise licensed or privileged to do so.
- (B) It is unlawful for any person to injure, deface, damage, or destroy any notice of the rules and regulations for the government of the public areas, which shall have been posted or permanently fixed by order or permission of the city administrator.

Section 13. Gambling Prohibited. It is unlawful for any person to play any game of chance or to carry on betting of any kind within public areas.

Section 14. Firearms or Fireworks Prohibited. It is unlawful for any person to use, carry, or display, firecrackers, fireworks, or explosives of any kind in any park. Except as allowed by ORS 166.172 and 166.173 (2020), it is unlawful for any person to either discharge a firearm or carry a loaded firearm in any park.

Section 15. Parks - Molesting Animals, Birds, and Fish Prohibited. It is unlawful to destroy, injure, disturb, or molest any wild or domestic animal within any park limits. It is unlawful for any person to give, offer, or attempt to give or offer any animal with the park any noxious articles or anything prohibited by notices conspicuously posted therein.

Section 16. Animals.

- (A) It is unlawful for the owner, possessor, or keeper of any animal to permit such animal to roam at large or otherwise be not physically controlled in any public area except:
 - 1. those area posted for this purpose.
 - 2. in a city designated off-leash area.
- (B) If such animal is found in any public areas, it may be impounded.
- (C) No one shall ride any horse, or other animal, in any part of a city park unless permitted by the use of events permit.
- (D) No one shall hitch horses or other animals to any tree, shrub, fence, railing, or other structure within any part of a park.

Section 17. Parks - Use of Established Entrance. No one shall enter or leave the parks in a motor vehicle, except at an established entrance, and no one shall enter or remain in the parks after the hours fixed by regulation.

Section 18. No Admittance Areas. No person shall enter any building, enclosure, or place within any public area where the words "No Admittance" are displayed or posted.

Section 19. Parks - Public Restroom Facility.

- (A) It is unlawful to blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public restroom facility except directly into the particular fixture provided for that purpose.
- (B) It is unlawful to place any bottle, can, cloth, rag, or metal, wood, or stone in any of the plumbing fixtures in such facility.
- (C) It is unlawful for any person to:
 - 1. stand or climb on a water closet, closet seat, basin, partition, or other furniture or fitting;
 - 2. loiter about or push, crowd, or otherwise act in a disorderly manner;
 - 3. interfere with any attendant in the discharge of his or her duties;
 - 4. use loud or boisterous language within any public restroom facility or at or near the entrance thereto;
 - 5. cut, deface, mar, destroy, break, remove, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture;
 - 6. use towels in any improper manner; or
 - 7. waste soap, toilet paper, or other items provided in the City's restroom facilities.

Section 20. Parks - Traffic Regulations.

- (A) No person shall ride, drive, or operate any bicycle, motorcycle, motor vehicle, truck, wagon, or any other vehicle, in any part of a park, except on the drives designated therefor.
- (B) No person may park any motor vehicle on any city park or playground except in designated parking areas. The City may cause any vehicle found parked in areas not designated therefor to be impounded and impose and collect charges therefor prior to the release of the vehicle.
- (C) It is unlawful for any person to store, park, or leave unattended any motor vehicle, boat, trailer, conveyance, or other personal property within any public area under the City's control for a continuous period of more than twenty-four hours.
- (D) No person shall ride or stand upon any device or conveyance other than roller skates, in-line roller skates, scooters, or a skateboard within the boundaries of the skate park.

Section 21. Parks - Public Drinking Fountain. It is unlawful for any person to willfully mark, scratch, disfigure, remove, or in any manner damage any public drinking fountain, or throw, place, or deposit in any cup or basin of same any matter or refuse whatever, or obstruct the regular flow of water in any manner whatever.

Section 22. Signs, Lights, Cameras, Call Boxes, Hydrants. It is unlawful for any person to willfully cut, remove, deface, or in any manner damage any street sign, any street, bridge, light or light fixture, or any hydrant, fence, gate, or enclosure, or any part thereof, placed in any public areas.

Section 23. Parks – Exclusion Period.

- (A) In addition to other measures provided for violations of this ordinance or state laws, any peace officer or city employee may exclude any person violating any provision of regulation of any state law while on city property from all or a part of the city's property. The exclusion period may be for any period up to a maximum of 60 days for each occurrence.
- (B) Except as otherwise provided herein, a person excluded under this section shall neither enter nor remain upon city property during the exclusion period. An excluded person entering or remaining on the city property from which they were excluded is deemed a trespasser and may be arrested and prosecuted for criminal trespass in the second degree (ORS 164.245).
- (C) Written notice signed by the issuing party shall be given to a person excluded from city property. The notice will specify:
 - 1. The reason for the exclusion;
 - 2. The places and duration of the exclusion; and
 - 3. The consequences for failure to comply with the notice.The exclusion commences 72 hours after delivery of the notice to the excluded person.

(D) Variance.

1. A person excluded may, at any time during the exclusion period, petition the city administrator for a waiver or variance of the exclusion. Petitions shall be addressed and delivered to:

City Administrator
City of Aumsville
595 Main St
Aumsville, OR 97325

2. The circumstances and reason for the exclusion and the places and duration of the exclusion will be reviewed by the city administrator in their consideration of the variance.

(E) Appeal Procedures.

1. Not later than five days after receipt of the notice of exclusion, an excluded person may file a written appeal to the city administrator for review thereof. Appeals must be addressed or delivered to:

City Administrator
City of Aumsville
595 Main St
Aumsville, OR 97235

2. The appeal may petition for any or all of the following:
 - a. Rescission of the exclusion;
 - b. Altering the locale(s) of exclusion; and/or
 - c. Reduction of the exclusion's duration.
3. An appeal shall contain the following:
 - a. A copy of the exclusion notice;
 - b. A request for either a hearing or written review without a hearing of the exclusion order;
 - c. A statement setting out the reasons the exclusion order is invalid or otherwise improper; and
 - d. A current address and telephone number where the person filing the appeal may be contacted.
4. In the event of an appeal (regardless of whether a written review or hearing has been requested) the exclusion order shall be lifted until such time a written decision thereon is made by the city administrator.
5. If a hearing is requested as a part of the appeal, the hearing will be conducted by the city administrator within 10 days after receipt of the appeal and a written decision made within five business days thereafter.
6. At any time during the exclusion period, a person may petition for a temporary waiver of the exclusion under subsection (D) above.
7. No peace officer or city employee has the authority to grant an excluded person permission to be in or on city property other than the city administrator through the appeal process.

Section 24. Parks - Penalty for Violation.

(A) Any person violating any provision of this ordinance is subject to a civil penalty of no more than \$500.00 for each occurrence. If the person violating this ordinance is under 18 years of age then the person’s parent or legal guardian may be cited into the Aumsville Municipal Court.

(B) Nothing in this ordinance prohibits a person under the age of 18 from being cited into the Aumsville Municipal Court should the City obtain a blanket remand from the Marion County Juvenile Court for violation(s) of this ordinance to the Aumsville Municipal Court.

Section 25. Repeal. Ordinance 505 is hereby repealed.

Section 26. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of December 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 693

AN ORDINANCE REPEALING ORDINANCE NO. 555, AN ORDINANCE CONCERNING GIVING FALSE INFORMATION TO POLICE OFFICERS

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer needed, the City Attorney recommended repealing.

Section 2. REPEAL. ORDINANCE NO. 555, AN ORDINANCE PROHIBITING THE GIVING OF FALSE INFORMATION TO POLICE OFFICERS. Adopted September 26, 2005; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November, 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 694

AN ORDINANCE REPEALING ORDINANCE NO. 564, AN ORDINANCE CONCERNING REGISTRATION OF RESIDENTS CONVICTED OF A SEX CRIME

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer needed, the City Attorney recommended repealing.

Section 2. REPEAL. ORDINANCE NO. 564, AN ORDINANCE REQUIRING RESIDENTS OF THE CITY OF AUMSVILLE TO REGISTER WITH THE CHIEF OF THE AUMSVILLE POLICE DEPARTMENT ID THEY HAVE BEEN CONVICTED OF A SEX CRIME AS DEFINED BY STATE LAW; DEFINING CERTAIN ASPECTS OF THE ORDINANCE AND PRESCRIBING PENALTIES FOR THE FAILURE TO REGISTER. dated April 24, 2006; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November, 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 695

AN ORDINANCE ESTABLISHING DRIVING AND CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING PUBLIC EMPLOYMENT AND PUBLIC SERVICE PROVIDERS AND VOLUNTEERS, AND REPEALING ORDINANCE NO. 597

Whereas, the City of Aumsville finds it in the City's interest to have the Aumsville Police Department complete criminal and driving history record checks for employees, finalists for positions of employment, contracted service providers, or voluntary public service requiring certain services; and

Whereas, ORS 181.555(1) and OAR 257-010-0025(1)(b) establish procedures for access to criminal conviction record information possessed by the Oregon State Police (OSP) through The Law Enforcement Data System (LEDS), and

Whereas, OAR 257-015-0060(2)(a) allows agencies authorized by OSP to access Computerized Criminal History records via LEDS after implementation of a local ordinance; now therefore,

The City of Aumsville ordains as follows:

Section 1. Purpose.

(A) This Ordinance authorizes the Aumsville Police Department to access OSP criminal offender information through LEDS, for employees, finalists for positions of employment, contracted service providers, and public service volunteers with the City of Aumsville so as to ensure selected individuals have the highest degree of citizen trust and confidence.

Section 2. Procedure.

(A) All proceedings pursuant to this Ordinance shall be conducted consistent with ORS 181.555 and OAR 257-010-0025, which establishes procedures for access to criminal record information possessed by the OSP through LEDS, and proper driving history check protocol; as supplemented below.

1. Authorization Forms - Finalists for employment, employees, and public service volunteers with the City of Aumsville will be required to authorize the City of Aumsville to conduct a driving and criminal conviction check through the LEDS system if their job duties require the following activities:
 - a. Delivering services to minors.
 - b. Handling/processing cash and/or checks.
 - c. Law enforcement related duties.
 - d. Building services/maintenance.
 - e. Maintaining confidential medical and/or criminal records.
 - f. Any other classification of job duties authorized by the City of Aumsville.

The city administrator will maintain the driving and criminal history authorization forms for those doing work on behalf of the City and will request that a driving and/or criminal history check be made if it is determined that this will be in the best interest of the City in filling the position or assigning the job duty.

- (B) Process - A member of the Aumsville Police Department trained and authorized to perform criminal history checks through the CJIS system will conduct the driving and criminal conviction check on the employee, prospective employee, contract service provider, or volunteer and orally report to the department head or city administrator the driving history and if the persons record indicates "no criminal record" or "criminal record". If the person's record is reported as "criminal record", the police department will, under OAR 257-010-0025(l)(c), request a written criminal history report from the OSP Identification Services Section and pay the applicable fee for this service. The police department will make the written criminal history record available to the city administrator and department head for their consideration in hiring a new employee, taking disciplinary actions against an existing employee, establishing or maintaining contracts with service providers, and selecting and retaining public service volunteers.
- (C) Driving and Criminal History Records Retention - The written driving and criminal history records on persons that are not selected will be retained in accordance with the requirements Oregon Administrative Rule record retention requirements, and thereafter will be destroyed by shredding. The driving and any criminal history record of persons with a criminal conviction that are hired or appointed, will become part of the confidential personnel files of that person. Access to confidential personnel files is limited to only authorized persons who have an official need to access such files that is sanctioned by law or regulation.
- (D) Selection Consideration - A person's driving history and felony criminal history, or a history of conviction of a misdemeanor involving moral turpitude or theft, will be closely examined by the department head and city administrator to determine if the person possesses the required degree of citizen and public trust and confidence. Each employee, contractor, or volunteer selection or evaluation will, however, be made on an individual, case-by-case basis, taking into account the person's qualifications, the requirements of the particular job or volunteer post, and the results of the criminal history check. Factors such as the age of an offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration, must be taken into account in evaluating a criminal history report. Selecting or retaining a person or contractor with a criminal history record will require a positive recommendation by the department head and the approval of the city administrator, after full disclosure and consideration of the criminal history and the person.

Section 3. Repeal. Ordinance 597 is hereby repealed.

Section 4. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of December 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 697

AN ORDINANCE RELATING TO THE PARKING OF VEHICLES AND TRAILERS ON CITY STREETS, PRIVATE OR PUBLIC PROPERTY; SETTING REGULATIONS AND PENALTIES FOR VIOLATIONS; AND REPEALING ORDINANCE 171.

The city of Aumsville does ordain as follows:

Section 1. Definitions. Except where the context indicates otherwise, the singular includes the plural and the masculine includes the feminine. The following mean:

- (A) City. City of Aumsville.
- (B) Person. Every natural person, firm, partnership, association or corporation, whether acting for itself or as an employee or agent.
- (C) Motor vehicle. A vehicle that is self-propelled or designed for self-propulsion.
- (D) Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway including vehicles propelled or powered by any means, other than human-propelled or powered.
- (E) Trailer. Every vehicle without motive power designed to be drawn by another vehicle.
- (F) Sidewalk means the area on a street having a shoulder, that portion of the between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian or, on the side of a street having no shoulder, that portion of the street between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian.
- (G) Streets. Every public way, road, street, thoroughfare and place, including but not limited to improved or unimproved city right-of-way, bridges, viaducts, and other structures within the boundaries of the City open, used, or intended use.
- (H) City Council. Governing body of the City.
- (I) Camper means a structure that:
 - 1. Has a floor;
 - 2. Is designed to be mounted upon a motor vehicle;
 - 3. Is not permanently attached to a motor vehicle upon which it is mounted;
 - 4. Is designed to provide facilities for human habitation or for camping;
 - 5. Is six feet or more in overall length;
 - 6. Is five and one-half feet or more in height from floor to ceiling at any point; and
 - 7. Has no more than one axle designed to support a portion of the weight of the camper.
- (J) Motor home means a motor vehicle that:
 - 1. Is reconstructed, permanently altered or originally designed to provide facilities for human habitation; or
 - 2. Has a structure permanently attached to it that would be a camper if the structure was not permanently attached to the motor vehicle.

- (K) Recreational vehicle means a vehicle with or without motive power designed for use as temporary living quarters and as further defined by rule by the State of Oregon's Director of Transportation.
1. Recreation Area. A, playground, watercourse, creek, or other area in the City, devoted to active or passive recreational use by the public.
 2. Abandoned Vehicle. A Vehicle with one or more of the following conditions for more than 24 hours:
 - a) The vehicle fails to have a lawfully affixed, unexpired registration plate, or fails to display current registration.
 - b) The vehicle appears to be inoperative or disabled.
 - c) The vehicle appears to be wrecked, partially dismantled, or junked.

Section 2. Violations. It is unlawful for:

- (A) Any vehicle to be parked on or across any portion of a sidewalk.
- (B) A trailer to remain on a city street, for a period of more than five (5) days in any 30-day period.
1. Parking or storage of vehicles, trailer, recreation vehicle, or personal property within the City's improved or unimproved right-of-way.
- (C) Abandoned Vehicles to be on a city street at any time.
- (D) Vehicles, within 20 feet of an intersection, or vehicles parked in a manner otherwise that creates a sight obstruction for vehicular traffic or capable of impeding pedestrian travel as determined by an official officer of the Aumsville police department.
- (E) A Vehicle to block any private or public driveway.
- (F) A Vehicle to be parked within 10 feet of a fire hydrant.
- (G) A Vehicle to be parked in a City posted or authorized "NO PARKING" Zone
- (H) An unattended vehicle with the engine running to be left on any city street or public property.
- (I) Parking of a vehicle of over 15,000 pounds gross weight on a city street overnight.
- (J) Parking of a vehicle or trailer on a city street, to make any mechanical repairs, other than those of a minor nature, and not to involve more than 24 hours to complete.
- (K) Parking of an unattended vehicle, trailer, or camper on a city street, or public property, that has any part thereof suspended by a vehicle jack, or any other unstable device.
- (L) Parking a vehicle in any alley, except to load or unload persons or materials.
- (M) Parking, other than in front of the home of the vehicle owner, upon any street for the principal purpose of displaying such vehicle for sale.
- (N) Parking upon any street for the principal purpose of storing, or permitting to be stored, a motor vehicle, recreational vehicle, boat, trailer, or other personal property. It shall constitute prima facie evidence of storage of a motor vehicle if the same is not moved for a period of 72 hours. The continuity of the time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where it was located before it is returned.

- (O) Parking perpendicular or diagonally to the sidewalk or curb, except in areas designated and posted for this type parking.
1. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve inches of the edge of the curb, except where the street is marked or signed for angle parking.
- (P) Placing a camper on a city street at any time, when not mounted on a motor vehicle.
- (Q) Parking a recreational vehicle on a city street or city right-of-way for a period of more than five days in any 30-day period.
- (R) No person in a park shall:
1. Drive any vehicle on any area except designated paved park roads, driveways, or parking areas.
 2. Park a vehicle in other than an established parking area or other such areas as may on occasion be specifically designated as temporary parking.
 3. Double park any vehicle on any road or parkway unless directed by a park official or traffic officer.

Section 3. Violation. Violation of Section 2 of this ordinance shall be subject to a penalty of no more than \$100.00.

Section 4. Separate Violation. Each day and/or violation of a provision of this ordinance constitutes a separate offense.

Section 5. Repeal. Ordinance 171 is hereby repealed.

Section 6. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 698

AN ORDINANCE REPEALING ORDINANCE NO. 306, AN ORDINANCE REGULATING PARKING IN THE CITY OF AUMSVILLE

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer needed, the City Attorney recommended repealing.

Section 2. REPEAL. ORDINANCE NO. 306, AN ORDINANCE REGULATING PARKING IN THE CITY OF AUMSVILLE; SETTING TIME LIMITS ON CERTAIN STREETS; PROVIDING FOR THE ISSUANCE OF SPECIAL PARKING PERMITS; SETTING FORTH PENALTIES AND SETTING FORTH A BAIL SCHEDULE, dated September 10, 1984; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November, 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 699

AN ORDINANCE REGULATING THE USE OF BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER SKATES AND SIMILAR APPARATUS WITHIN THE CITY AND REPEALING ORDINANCE 349.

The City of Aumsville ordains as follows:

Section 1. Definitions.

- (A) Bicycle. A vehicle as is defined in ORS 801.150.
- (B) Electric-Assisted Bicycle or E-Bike. A vehicle as defined by ORS 801.258
- (C) Business District. Mill Creek Road between First Street and Eleventh Street.
- (D) Skateboard. A board of any material with wheels on the bottom designed to be ridden by a person.
- (E) Scooter. A vehicle consisting of a narrow board mounted between two wheels (or more) with an upright steering handle attached to the front wheel. A scooter includes those powered by an electric motor or gasoline engine.
- (F) Roller Skates. Two metal or plastic framed objects with wheels designed to be attached to or worn on the feet of a person. Includes roller blades.

Section 2. Prohibited Riding Areas. No person shall ride or operate a bicycle upon a sidewalk in the business district. No person shall ride or operate a scooter, skateboard, or similar apparatus upon a sidewalk in the business district of Aumsville.

Section 3. Yielding Right-of-Way. Any person operating a bicycle, electric-assisted bicycle, scooter, skateboard, roller skates, or similar apparatus upon any other sidewalk shall yield the right-of-way to any pedestrian(s).

Section 4. Bicycle and E-Bike Safety Regulations.

- (A) Every bicycle or E-Bike operated upon the streets or other public place shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle.
- (B) A person propelling a bicycle or E-Bike shall not ride other than with his or her feet on the pedals and facing the front thereof.
- (C) No bicycle or E-Bike shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (D) All bicycles or E-Bike shall be equipped with safety reflectors or lights, both front and back.
- (E) Every person operating a bicycle or E-Bike upon a street or other public place shall ride as near to the right-hand side of the street as practical, exercising due care when passing a pedestrian or a standing vehicle or one proceeding in the same direction.
- (F) Persons riding bicycles or E-Bike upon a street or other public place shall not ride more than two abreast.

Section 5. Skateboards, Scooters, and Roller Skates Safety Regulations.

- (A) Use of a skateboard, scooter, roller skates, or similar apparatus in areas other than the business district is permitted provided the use and the operation thereof is safe. A person commits the offense of unsafe operation of the above-mentioned apparatus if the person does one of the following:
1. Operates the skateboard, roller skates, scooter, or similar apparatus so as to suddenly leave a curb or other place of safety and move into the path of a vehicle, bicycle, or pedestrian that is so close as to constitute an immediate hazard.
 2. Operates a skateboard, roller skates, scooter, or other similar apparatus and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right-of-way to all pedestrians.
 3. Operates a skateboard, roller skates, scooter, or other similar apparatus in a careless manner that endangers or would be likely to endanger any person or property.
 4. Operates a skateboard, roller skates, scooter, or similar apparatus at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut, or pedestrian ramp.

Section 6. Bicycle, Skateboards, Scooters, and Roller Skates Parking

Regulations. No person shall park or leave a bicycle, skateboard, scooter, or skates so that a public sideway, street, or a driveway is obstructed, or so that a business, office, or residential entryway is obstructed.

Section 7. Prohibited Riding Times.

- (A) No person shall ride a skateboard, roller skates, scooter, or other similar apparatus upon any street or sidewalk between one hour after sunset and one hour before sunrise unless the apparatus or rider is equipped with lighting equipment that meets the described requirements:
1. The lighting equipment must be used during limited visibility conditions.
 2. The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the apparatus.
 3. The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

Section 8. Seizure.

- (A) At such time as a citation is issued to a skateboard, bicycle, scooter, roller skates, or other similar apparatus rider who is in violation of this ordinance, the police may seize the apparatus upon which the violator was riding.

(B) Said apparatus may be recovered from the Aumsville Police Department by an adult rider 24 hours after being seized. Said apparatus may be recovered from the Aumsville Police Department by a juvenile offender 24 hours after being seized provided the offender is accompanied by a parent or guardian.

Section 9. Procedure. A citation to appear in Aumsville Municipal Court for violation of this ordinance shall be issued to the alleged violator stating the date, time, and place to appear and the date, time, and place of the alleged offense.

Section 10. Penalty. The civil penalty for violation of any provision of this ordinance shall be a fine no more than \$100.00.

Section 11. Repeal. Ordinance 349 is hereby repealed.

Section 12. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 700

AN ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC, ESTABLISHING A TRUCK ROUTE, AND REPEALING ORDINANCE 363.

The City of Aumsville ordains as follows:

Section 1. Boundaries Established.

N 11th Street, commonly known as Aumsville Hwy, from the northern boundary of the city, south to the intersection of Mill Creek Road (commonly known as Main Street);

Main Street, commonly known as Mill Creek Road, from the westerly boundary of the city to the easterly boundary of the city

S 8th Street, commonly known as West Stayton Road, from Main Street to the southerly boundary (bridge) of the city

N 1st Street, commonly known as Shaw Hwy, from Main Street to Del Mar Drive

Olney Street, from N 9th Street, west to N 11th Street (Aumsville Hwy)

Section 2. Length Restriction. It shall be unlawful to operate any truck over thirty (30) feet in total length or any truck and trailer or truck and semi-trailer combination upon any city owned public street within the city unless such street has been designated as a truck route.

Section 3. Weight Restriction. It shall be unlawful to operate any truck of 30,000 pounds gross weight upon any public street within the city unless such street has been designated as a truck route.

Section 4. Loading and Unloading. Vehicles being operated on public streets for the specific reason of picking up or discharging goods at any business establishment or residence located on other than a designated truck route; or trucks, with business at adjacent industrial sites, parked temporarily, shall be exempt from the provisions of this ordinance.

Section 5. Penalty. Any violation of this ordinance is hereby declared a nuisance and any person found in violation thereof shall be subject to a penalty of no more than Two Hundred Fifty Dollars (\$250). A violation of this ordinance shall be considered a separate violation for each offense.

Section 6. Repeal. Ordinance No. 363 is hereby repealed.

Section 7. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 701

AN ORDINANCE REPEALING ORDINANCE NO. 370, AN ORDINANCE CONCERNING THE OREGON UNIFORM TRAFFIC CODE

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer needed, the City Attorney recommended repealing.

Section 2. REPEAL. ORDINANCE NO. 370, AN ORDINANCE ADOPTING ALL AMENDMENTS AND CHANGES MADE TO THE OREGON REVISED STATUTES CHAPTERS 801, 802, 803, 805, 806, 807, 808, 810, 811, 813, 815, 816, 818, 820, 821, 822, AND 823 CONCERNING THE OREGON UNIFORM TRAFFIC CODE BY THE 1989 OREGON LEGISLATURE dated December 11, 1989; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November, 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 702

AN ORDINANCE REQUIRING ALL BUSINESSES AND PEDDLERS IN THE CITY OF AUMSVILLE TO MAKE APPLICATION FOR A LICENSE, FIXING FEES, PROVIDING FOR THE MANNER FOR ENFORCING THIS ORDINANCE, AND REPEALING ORDINANCE NO. 659.

The city of Aumsville does ordain:

Section 1. Definitions.

- (A) Business. For the purpose of this ordinance, a business is defined as any person, partnership firm, company, corporation, or other entity operating within the city and carrying on a profession, vocation, or trade and/or offering its goods and services to the community.
- (B) City. The City of Aumsville.
- (C) Home Occupation. An occupation, profession, craft or hobby, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place. Home occupation activities include but are not limited to: dressmaking, lawyer, notary public, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling.
- (D) Peddler. For purpose of this ordinance a peddler is defined as any person or persons going in and upon private property; not having been requested or invited to do so by the owner or owners, for the purpose of soliciting orders for the sale of, or disposing of, goods, wares, merchandise, or services and/or for the purpose of peddling. It does not include those seeking donations with or without a product that are charitable, political candidates, or religious organizations.
- (E) Transient Business. A Transient Business is one operating from various locations in the city having no fixed location from which their operation(s) are conducted, the operation of which must be removed at the end of each day.

Section 2. Purpose. This ordinance establishes a registration device method for local businesses for the City to establish revenue to pay for the expenses required to issue licenses and provide revenue for municipal services to business.

Section 3. License Required. Any Business operating in the city is required an application for a license to do so with the City. No person may engage in business in the city without first obtaining a license and paying the license fees required. The license shall be issued annually with a commencement date of July 1 and ending June 30. No prorating of fees for licenses issued less than 12 months will occur.

Section 4. Applications and Fees.

- (A) Application for a business license shall be made upon forms furnished by the City which application shall address the following:
1. Name, address (legal and local), and identification verification of the applicant;
 2. The name of the business;
 3. The address at which the business will be conducted (if applicable);
 4. A description of the nature of the business and the goods to be sold;
 5. For transient businesses:
 - a) the name and address;
 - b) The length of time for which the right to do business is desired;
 - c) If a vehicle is to be used, a description of the same, together with license number or other means of identification; as well as proof of general liability insurance coverage;
 6. The amount of the license fee tendered with the application;
 7. The signature of the applicant or agent making application;
 8. The date of application;
- (B) Payment of the license fee as the same is set out in the City's fee schedule.

Section 5. License Fees. All license fees shall be set by resolution.

Section 6. Transfers and Relocations.

- (A) In the event of the transfer of ownership of any business, the business license may not be transferred by application of the new owner to the City.
- (B) In the event a business relocates, the licensee shall reapply by application to the City.

Section 7. Denial, Suspension, or Revocation of License.

- (A) A license issued under this ordinance may be denied, suspended, or revoked for any of the following causes:
1. Fraud, misrepresentation, or false statement contained in the application for a license; or
 2. violation of this ordinance;
 3. A violation of local, state, or federal law.
- (B) The license shall contain the signature of the issuing officer, the name and address of the licensee, the type of business, the date of issuance and the length of time the license is in effect. The City shall keep a record of all licenses issued
- (C) Notice. The city administrator shall provide written notice to the applicant or licensee of a denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant of the right to appeal under Section 8 of this ordinance.
- (D) Reapplication. A person whose application for a business license has been denied, or whose license has been revoked may, after 90 days from the date of denial or

revocation, apply for a new license upon payment of the application fee and submission of an application form and related documents.

Section 8. Appeal.

- (A) In the event an application for a license under this ordinance is denied, or in the event a license is suspended or revoked, the applicant or license holder shall have the right to appeal. The written notice of appeal to Council shall be filed with the city administrator within 15 days after the denial of license or suspension or revocation.
- (B) Council shall hear and make a determination in regard to the appeal at its next regular meeting held not less than 20 days after the filing of the notice of appeal.
- (C) The decision of Council on such appeal shall be final and conclusive.

Section 9. Disclaimers, Exceptions, General Requirements, Exemptions.

- (A) Disclaimers and Exceptions. The levy or collection of a license fee upon any business shall not be construed to be a license or permit by the City to the person engaged therein in the event such business shall be unlawful, illegal, or prohibited by the laws of the state of Oregon or the United States, or ordinances of the City.
- (B) Nothing herein contained shall be taken or construed as vesting any right in any license as a contract obligation on the part of the City. Business license fees, as set by Council resolution, may be increased or decreased, and other or additional taxes or fees may be levied, increased, or decreased, at any time by Council. No person having paid the fee required, and having made application for a business license, shall be entitled to a refund.
- (C) General License Requirements. In addition to any other requirement of this ordinance, each licensee shall:
 - 1. Conform to all federal, state, and local laws and regulations, the provisions of this ordinance, and any rules adopted hereunder.
 - 2. Notify the City within 10 days of any change in material information contained in the application, related materials, or license.
 - 3. Displaying of License.
 - a) Businesses with established place of business shall display business license in a conspicuous place at all times.
 - b) Individual without an established place of business shall be required to continually carry the license with them when conducting business in the city limits of Aumsville.

I. Section 10. Specific Requirements.

- (A) Businesses dealing in the purchase or trade of secondhand goods, such as jewelry, guns, or electronic equipment, shall keep a record of the sales for inspection by the chief of police. Such a record shall include the name of the seller, the name of the buyer, the date of sale, a description of the merchandise sold, any serial numbers or distinguishing marks on the goods being traded, as well as other information that would enable return of stolen goods.
- (B) Merchant Police, Security Services, and Similar Businesses.

- a) Each individual shall agree to a complete background check by the chief of police to determine the qualifications and reliability of the individual for the proposed business. The City may require a bond and such insurance as may be deemed proper. The license shall be issued only upon the police chief's approval of each person involved, such approval to be based on the complete background check.

(C) Home Occupations shall be subject to the following standards:

1. The home occupation shall be secondary to the main use of the dwelling as a residence;
2. All aspects of the home occupation shall be contained and conducted within a completely enclosed building;
3. The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over twenty-five percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over five hundred square feet of floor area;
4. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alterations shall not detract from the outward appearance of the property as a residential use;
5. No persons other than those residing within the dwelling shall be engaged in the home occupation;
6. No window display and no sample commodities displayed outside the dwelling are allowed;
7. No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor;
8. Any instruction shall be limited to one pupil at a time.
9. No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. A maximum of two customers' vehicles shall be permitted at one time;
10. Signage shall be subject to the provisions in Section 19.

- (1) Transient Business. For the purpose of this ordinance a transient business is defined as a business that operates from various properties and has no fixed permanent location from which business is conducted. The business must be removed each day.

Section 11. Additional Regulations. See Development Ordinance, Chapter 8, for any additional regulations specific to land use and zoning.

Section 12. Exemptions. The license requirement does not apply to temporary businesses established for the purpose of supporting a festival or outdoor market that has received an approved permit from the city administrator or Council to hold such event. Business or vendors are limited to events that last no longer than 72 hours.

Section 13. Violations and Penalties.

- (A) Any person or business violating any of the provisions of this ordinance is subject to a penalty of \$500 for any one violation with each day constituting a separate violation.
- (B) In addition to the enforcement provisions of this ordinance, upon request by the city administrator, the city attorney may institute any additional proceedings, including, but not limited to, seeking injunction relief to enforce the provisions of this ordinance.

Section 14. Repeal. Ordinance No. 659 is hereby repealed.

Section 15. Severability. Council declares that should any section, paragraph, sentence, or word of this ordinance be declared for any reason invalid, said declaration shall not affect the validity or applicability of the ordinance as a whole or any part thereof other than the part so held to be invalid.

Section 16. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

STAFF REPORT

TO: City of Aumsville City Council

FROM: Ron Harding, City Administrator

SUBJECT: Resolution authorizing the city administrator to refinance the sewer fund debt with business Oregon.

RECOMMENDATION: Approve resolution authorizing the city administrator to refinance the existing debt sewer fund dept in the amount estimated to be just below \$1,500,000.

BACKGROUND: The city was notified by Business Oregon that the state was seeking to refinance outstanding bonds that would result in a net savings to city's who participated. The city has less than \$1,500,000 in outstanding debt and all of it is within the sewer fund. The savings over the life of the loan will be around \$204,000 in interest. The next section is the notice I received.

RE: Bond Refunding G05002, January 1, 2021 Balance \$1,485,997

Dear Mr. Harding:

Current interest rates are generally lower than when the above loan originated. This makes it possible for us to consider refunding certain bonds, including those that funded a portion of your loan. Refunding involves issuing new bonds at a lower interest rate to retire old higher-rate bonds. We estimate issuing the refunding bonds January 2021, however our ability to do so depends entirely on the availability of low interest rates at that time.

Current market conditions make it possible to issue refunding bonds. Today the estimate for this loan would result in a net present value principal savings of 16.65% or expressed in an alternative manner a net present value savings of \$204,809. There is no cost to you to take advantage of this reduced cost or borrowing.

The savings would not come in a lump sum but through reduced interest rate and lower loan payments over the remaining term of your loan. To set a new interest rate we would need to amend your loan document(s), which would be sent to you. If you choose to take advantage of the refunding please note that the new

refunding bonds generally cannot be prepaid without penalty for eight years. All existing post compliance requirements would remain in force for the refunding bonds.

*State law requires we notify borrowers in advance of refunding a bond issue and offer them the opportunity to prepay. We are not encouraging you to prepay—the law requires this notification. Prepayment would affect the refunding, so we ask that you inform us if you intend to prepay. The deadline for notification is **November 23, 2020**, and the notification should be in writing at the above address.*

*If, however, you wish to participate in the refunding rather than prepay your loan in full then please return your signed authorization (enclosed) to Business Oregon **by November 23, 2020** using the pre-paid envelope. Thank you.*

We responded to the documents as directed and the next step is to approve a resolution that memorializes our participation in refinancing the bonds. There is no cost to refinance, and it really makes no sense not to participate and save some additional funds. This resolution is the next step into completing the refinancing of the sewer bond.

MOTION:

- Move to approve resolution 17-20 authorizing the city administrator to refinance the sewer fund debt with business Oregon.
- Move to approve resolution 17-20 authorizing the city administrator to refinance the sewer fund debt with business Oregon with the following revisions.
- Move to remand back to staff for revisions as directed.

RESOLUTION NO. 17-20

A RESOLUTION OF THE CITY OF AUMSVILLE AUTHORIZING REFUNDING OF A LOAN FROM THE WATER FUND WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

The Aumsville City Council (the "Governing Body") of the City of Aumsville (the "Recipient") finds:

A. The Recipient is a "municipality" within the meaning of Oregon Revised Statutes 285B.410(9).

B. Pursuant to Oregon Revised Statutes [*SPWF*: 285B.410 through 285B.482] [*WW*: 285B.560 through 285B.599] (the "Act"), the Recipient obtained a loan (the "Loan") in the principal amount of \$2,205,000 from the Oregon Infrastructure Finance Authority of the Business Development Department ("the Department") through the Water Fund for the financing of a water project within the meaning of the Act by entering into a Loan Agreement Project Number G05002 with the Department dated July 26, 2010 (the "Loan Agreement") and executing a Promissory Note dated August 31, 2010 (the "Note") representing the amounts due under the Loan.

C. The Department funded the Loan, in part, through the issuance of Oregon Bond Bank Revenue Bonds (the "State Bonds") and passed the interest rates on the State Bonds through to the Loan, which are reflected in the Note.

D. Under current market conditions, refunding all or a portion of the outstanding State Bonds may produce debt service savings for the borrowers whose loans were funded by the State Bonds, including the Recipient.

E. The Recipient wishes to participate in the State's refunding of the State Bonds in order to achieve debt service savings on the outstanding Loan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Aumsville as follows:

1. Refunding Authorized. The Governing Body authorizes the City Administrator to act on behalf of the City of Aumsville (the "Authorized Officer"), to amend the Note by executing a revised payment schedule to the Note pursuant to Section 4 of the Loan Agreement (the "Amended Note") and such other documents as may be required to refund the Loan to achieve debt service savings.

2. Security. Amounts due to the Department pursuant to the Loan Agreement and the Amended Note shall continue to be secured by a pledge as provided in Section 7 of the Loan Agreement.

3. Additional Documents. The Authorized Officer is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to refund the Loan.

4. Tax-Exempt Status. The City of Aumsville covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Recipient pursuant to the Loan, as refunded and amended by the Amended Note, not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The Authorized Officer may enter into covenants on behalf of the Recipient to protect the tax-exempt status of the interest paid by the Recipient pursuant to the Loan, as refunded and amended by the Amended Note, and may execute any Tax Certificate, Internal Revenue Service forms or other documents as shall be required by the Department or their bond counsel to protect the tax-exempt status of such interest.

5. Resolution Effective Date. This Resolution shall be in force and effect from and after passage by the Governing Body.

DATED this 14th day of December, 2020.

Derek Clevenger, Mayor

ATTEST:

Ron Harding, City Administrator



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

STAFF REPORT

TO: City of Aumsville City Council

FROM: Ron Harding, City Administrator

SUBJECT: Council Update

- 1) COVID-19 update:** As of this report our positive rate is 116 people, which is up 46 from our last report. The virus continues to be an ongoing issue of concern. There have been some larger jumps in counts recently and we continue to maintain our current COVID-19 protocols. I expect we will continue to see larger increases related to the holidays but have no additional protocols that can provide protection for city staff and still maintain services. We have had a number of staff in quarantine but so far no positive infections.
- 2) Ordinance review:** We still have some work to do with our Ordinance review, even though tonight we will complete most of the remaining ordinances to bring the city into substantial compliance with state laws. We will need to revisit some of these to further cleaning up at the staff level. As we took on thousands of pages of edits, we have caught a few things after the fact. Those edits are somewhat minor and can be resubmitted as staff edits. There are a handful of ordinances that we did not get to that will also be finished at the staff level and introduced to Council next year.
- 3) Downtown landscaping project.** Public works will be working on the downtown landscaping project. This will be completed as weather permits but looks nice already.
- 4) Community events:** We continue to find creative ways to rally our community using community events. On Saturday we hosted the virtual tree lighting. I hope this is received well by the community. It was fun but lots of pressure to put together. Colleen took the lead and is responsible for the video edits. She did a great job. Many staff participated at one level or another, Elaina, RYanne Josh, Damián, Steve, Matt, Brenda, the Chief. As usual our staff remain hands on to make the community events a pleasant experience. So much goes into events even if they do not include large crowds, but this was fun and I am proud of what was delivered. Mayor returned just in time to save me from being the narrator of the video but still got his wish as I am seen in the background in my favorite Christmas jacket. I am hopeful our community enjoys the carriage carolers and the Santa treat visits.

- 5) Youth council:** Resolution 16-10 was approved in 2010 establishing a youth council. Tonight, you have the draft outline as developed in partnership with Cascade high school staff. Because this was established by resolution, I do not believe we need a new resolution at this time if Council is supportive of the changes to the program they can simply approve by motion the program outline as presented. Basically, the change is that the program is expanded to have a school district wide reach and will be administered by the school. The program will create a stronger partnership with the district and allow the council to grow beyond Aumsville while at the same time provide some structure that we hope will promote more youth volunteerism and leadership in Aumsville.
- 6) Ballot Box:** We received notice that Marion county election has an exterior drop box for us. The City will need to pour concrete curb and a concrete pad for it. The box will be located in the rear of our building using the driveway on the east side so residents can just drive up to the box. This is the location preferred by Bill Burgess and meets their requirements. We will need to post signs directing people to this location but it certainly will resolve a lot of election related concerns in the city lobby.
- 7) CA time off:** I will be mostly off the clock from December 15th to December 30th. I will work as needed but do not plan to regularly come in to the office or schedule meetings. This is a very slow time for us and I usually try to take this time period away from the office. You're always welcome to call me during this time but wanted you to know I will not be on the clock so to speak.
- 8) Planning for 2021:** I worked out a planned schedule with Mayor Clevenger for January and February. We will have the state of the city presentation set for the 25th. I suggest we go ahead and schedule our goal setting meeting for after that date and, as it will be virtual, I suggest we have two or three shorter meetings. We will provide some dates right after the first meeting in January.

As always, if Council has questions, please email or call me at your convenience.

Cascade High School

Cascade Youth Council Proposal

Connecting Students to Local Government

Prepared By:

Deborah Bellemore, Teacher, Cascade High School (dbellemore@cascade.k12.or.us)

David Schletty, Teacher, Cascade High School (dschletty@cascade.k12.or.us)

David Medlock, Cascade High School (mmcbeth@cascade.k12.or.us)

Ron Harding, Aumsville City Administrator (rharding@aumsville.us)

Elaina Turpin, Office Assistant, City of Aumsville (eturpin@aumsville.us)

Cascade Youth Council Proposal

Connecting Students to Local Government

November 19, 2020

Mission: Broaden the scope of youth leadership through education, volunteerism, and initiatives that are directed toward seeking youth input on community issues.

Purpose

The purpose of this proposal is to create a youth council to serve as a functioning, sustainable link between area youth, local government, and the community. Cascade High School Youth Council (CYC) will be administered and staffed by Cascade High School in partnership with the City of Aumsville. The vision is to expand the influence and participation of the CYC beyond the needs of the school or the City of Aumsville to address the larger regional community. The CYC will be selected from the participating body of students. CYC may also work on school related programs and issues in council format as directed.

Goals

1. Foster leadership among youth through education and outreach.
2. Inspire youth to have a positive influence
3. Promote civic awareness within the diverse demographics of our community.
4. Create a sustainable organization.
5. Offer feedback from a youth perspective.
6. Raise awareness of the form and function of government to create informed citizens.
7. Expose youth to career opportunities in government.

Selection

A committee of approximately 10-15 promising students will be selected from among the class participants to serve as the governing body of the Cascade Youth Council. These students will demonstrate good character, community involvement, leadership, and a strong work ethic. Cascade High School and the City of Aumsville will each provide an equal number of members to the selection committee to review applications and conduct interviews, as required. The selection committee can set their own process for selecting candidates for the youth council.

Training

Students will learn about different departments of the City of Aumsville and how they operate. They will also learn about how local government is organized and how city government functions within the framework of state and federal laws. CYC receives additional training expanding their knowledge of how the technical and political confines of government form the decisions of the council.

Education and Connection

Representatives from Aumsville city government will give a series of discussions at Cascade High School to educate students about the purpose and function of city government. These discussions will involve presentations and simulations of city council meetings. Additional trainings will be planned with the CYC, in which council members and city staff will be involved in the presentations. City staff will coordinate with Cascade High School staff and teachers on a schedule of training and develop outlines that are mutually agreed on.

Action

The city will call the CYC as needed to address meaningful issues. These meetings may or may not occur in regular intervals. In addition to the youth council meeting, students will be encouraged to take leadership roles in volunteering for community events and special community, school, or city projects.

Feedback

General Class:

Students who complete the program should come out with a greater knowledge of government and how it functions, specific issues that relate to local government, and a map of how they can contribute to their local community. It's recommended that the group identify a project which will benefit the group or the community and be completed before the end of the school year. Working together on a project will foster growth, connectedness, and a greater understanding of the processes and issues associated with the community.

Cascade Youth Council:

CYC will address real issues facing the community and provide their perspective on these issues. Minutes of the youth council meetings will be maintained and developed by the CYC and provided to the city council after each meeting. It's important that the program develops and tracks how the students relate to the program.

City of Aumsville

November 2020 Monthly Police Report



CRIME	NUMBER	ARRESTED
Theft/Fraud	1/1	0/0
Theft From Vehicles	7	1
Warrant Arrest/Probation Violation	3/1	3/1
Harassment/Telephonic	0/1	0/0
Assault IV	1	1
MIP (Alcohol)/Drug Offense	0/1	0/1
Stolen Vehicle/Trailer	0/0	0/0
Recovered Vehicle	0	0
Poss. Controlled Substance	1	1
Sex Offense	1	
Hit and Run	0	0
Misc Crime	1	1
TOTAL	19	9

CALLS FOR SERVICE	NUMBER
Assist other Agency—Turner PD	2
Assist other Agency—Fire Dept	1
Assist other Agency—DHS	2
Assist other Agency—MCSO	2
Assist other Agency—City	0
Assist other Agency—Stayton PD	6
Assist other Agency—Other	5
Assist Person/Citizen Contact	4/15
Vehicle Repo	0
911 Hang-Up/Welfare Check/Civil Dispute	2/3/1
False Alarms	1
Noise/Traffic Complaint	1/3
Suspicious Person/Vehicle/Circumstance	3/3/5
Traffic Accidents/Hit and Run	2/0
Driving Impounds	2
Unattended Death/Notification	2/0
Dogs—Barking/At Large/Bite	0/3/0
Ordinance Violation	5
Runaway Juvenile/missing person	1/1
Verbal Disturbance	4
Attempt Suicide/Mental Hold	0/0
Suicide	0
Open Door	0
Misc Call for Service	0
Emotional Disturbed Persons	2
Found Property/Lost Property/Seized Property	5/0/2
TOTAL	88

Value of Property Stolen	\$980
Value of Property Damaged	\$0
Value of Property Recovered	\$0
Value of Found Property	\$50
Dogs to Pound	0
Dogs to Animal Control	2

TRAFFIC VIOLATION	City	County
Speeding	4	3
Fail to Carry Proof /Driving Uninsured	2/4	0/2
Driving While Suspended	6	2
No Valid Op	2	0
No Seatbelt/Improper Wear Seatbelt	0	0
Expired Registration/Fail to Register	0/0	1/0
Failure to Change Address	0	0
Failure to Carry Registration	0	0
Switched Plates	1	0
Failure to Yield to Ped in Crosswalk	0	0
Failure to Yield to Emerg Vehicle	0	0
Fail to Obey Traffic Control Device	0	0
Reckless Driving/Speed Racing	0	0
Careless Driving	1	0
Miscellaneous Violations	1	0
TOTAL	21	8

DEPARTMENT MESSAGE:

The reserves worked a total of 46 hours during the month of November: 46 volunteer hours and 0 paid hours.

As I reported at the end of last month, we were having some problems with cars being prowled at night. I am happy to say we did catch an individual that was responsible for the majority of those break-ins. This was thanks to help/video from the public.

We are reminding all citizens to continue to lock your vehicles and remove valuables to lessen the chance of becoming an unsuspecting victim. Also, if you are having packages delivered to your residence, make sure someone is there to take them inside, as "porch pirates" are prowling the neighborhoods. For those citizens with camera systems, please keep watch for suspicious activity and report any such activity to the Police.

We just completed our "No Shave November" event and I am happy to report we raised approximately \$900 to donate to Santiam Hospital's cancer program. Thank you to all who helped make this a great success.

As Christmas approaches, we must be diligent and watch for the Grinch, it's been reported he has been seen prowling the neighborhoods. Have a Safe and Happy Holiday.



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

TO: Mayor and City Council
FROM: Steve Oslie, Public Works Director
SUBJECT: Public Works Report

December 10, 2020

Water: The wells pumped as follows:

Boone #1	Boone #2	Tower	Reservoir	Church	Total
876,000	3,459,000	1,898,566	206,000	4,575,700	11,015,266

The booster station lost power due to a bird landing on the power pole and blowing the fuse that serves the station. The power repair person did not receive the right information from the dispatcher and that caused the power to be out longer than it should have. We set up temporary chemical pumps at two wells and ran the wells directly into the distribution system to keep pressure and fill the water tower. After the power was restored, we found that the programable logic controller was damaged from the power surge. Our electrical contractor was called and he fit us in their busy schedule to get us back up and running.

We have a couple of water system repairs that will require contractors to repair for us. Boone 2 may need a new pipe section welded up inside the well house and the booster station needs a new check valve installed.

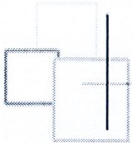
Sewer: Even with prior preparation, we started to discharge into Beaver Ck. The dechlorination regulator seized up. The regulator plastic body was warped beyond use. We found an old regulator, cleaned it up, and got it working. I ordered a new regulator and because of the pandemic, the supply chain to get parts is getting tougher. We did get a commitment to have one shipped here this month.

Streets: The crew has been working on planting the street trees and installing irrigation at 1st and Main. They will have all the trees planted before the smaller plants get placed.

Christmas street lights are up as well as the city hall wreaths and park tree.

Pacific Power is replacing some underground power lines around town. There have been several power outages in these areas, usually at night. The contractor said that the lines were just at the end of their lifespan.

Parks: We are just doing the normal cleaning and minor repairs as they are found.

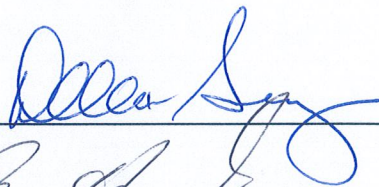


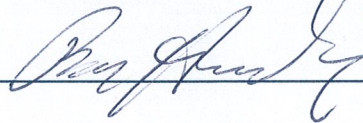
Accounts Payable Register

City of Aumsville

Fiscal: 2020-21
Deposit Period: 2020-21 - August
Check Period: 2020-21 - August - Second Council

Number	Name	Print Date	Amount
Riverview Community Bank Check 8/31/2020 ACH - VERIZON	9001000967 VERIZON WIRELESS	8/31/2020	\$25.47
	Total	Check	\$25.47
	Total	9001000967	\$25.47
	Grand Total		\$25.47





Accounts Payable Register

City of Aumsville

Fiscal: 2020-21

Deposit Period: 2020-21 - October

Check Period: 2020-21 - October - Second Council

Riverview Community Bank

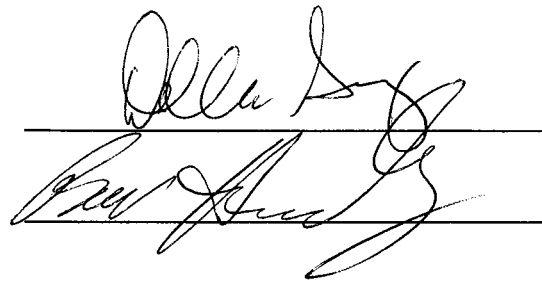
9001000967

Check

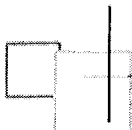
EFT Payment 10/6/20201

INVOICE CLOUD

	10/6/2020	\$1,652.17
Total	Check	\$1,652.17
Total	9001000967	\$1,652.17
Grand Total		\$1,652.17



Accounts Payable Register



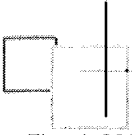
City of Aumsville

Fiscal: 2020-21
Deposit Period: 2020-21 - October
Check Period: 2020-21 - October - First Council

Riverview Community Bank 9001000967
Check
EFT Payment 10/13/2020 4:09:26 PM - 7 VERIZON WIRELESS

	10/13/2020	Void
Total Check		\$0.00
Total	9001000967	\$0.00
Grand Total		\$0.00

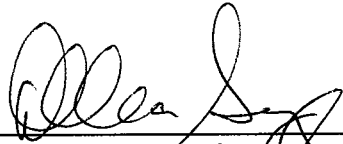
Accounts Payable Register




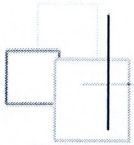
City of Aumsville

Fiscal: 2020-21
 Deposit Period: 2020-21 - November
 Check Period: 2020-21 - November - Second Council

Riverview Community Bank		9001000967	
Check			
<u>54434</u>	AT&T MOBILITY	11/25/2020	\$120.12
<u>54435</u>	EMPLOYMENT TAX	11/25/2020	\$25.45
<u>54436</u>	ENVIRO-CLEAN EQUIPMENT, INC.	11/25/2020	\$6,073.83
<u>54437</u>	FERGUSON WATERWORKS #3011	11/25/2020	\$186.83
<u>54438</u>	FOCUS HEATING & COOLING	11/25/2020	\$600.00
<u>54439</u>	MARY LOVELL	11/25/2020	\$2.36
<u>54440</u>	MNOP	11/25/2020	\$843.44
<u>54441</u>	MOTION & FLOW	11/25/2020	\$50.61
<u>54442</u>	OHA - DRINKING WATER SERVICES	11/25/2020	\$140.00
<u>54443</u>	POWER CHEVROLET	11/25/2020	\$1,392.15
<u>54444</u>	WILCO	11/25/2020	\$4.49
<u>54445</u>	XYLEM WATER SOLUTIONS USA INC	11/25/2020	\$15,935.70
<u>EFT Payment 11/25/2020 10:13:16 AM - 1</u>	DE LAGE LANDEN FINANCIAL SERVICES, INC.	11/25/2020	\$31.26
<u>EFT Payment 11/25/2020 10:13:16 AM - 2</u>	ZIPLY FIBER	11/25/2020	\$639.26
	Total	Check	\$26,045.50
	Total	9001000967	\$26,045.50
	Grand Total		\$26,045.50





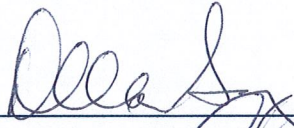
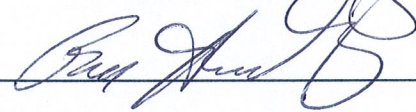


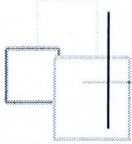
Payroll Register

City of Aumsville

Fiscal: 2020-21
Deposit Period: 2020-21 - November
Check Period: 2020-21 - November - Second Council

Number	Name	Print Date	Amount
Riverview Community Bank	9001000967		
Check			
<u>54446</u>	DAY SPRING FELLOWSHIP	11/30/2020	\$100.00
<u>Direct Deposit Run - 11/25/2020</u>	Payroll Vendor	11/30/2020	\$37,609.48
<u>EFT 11302020</u>	HSA Bank	11/30/2020	\$875.83
<u>EFT 12052020</u>	CIS TRUST	11/30/2020	\$34,173.72
<u>EFT 12112020</u>	PERS	11/30/2020	\$12,885.51 54
<u>EFT 12152020</u>	AFLAC	11/30/2020	\$948.08
<u>EFT 21135045</u>	EFTPS	11/30/2020	\$13,608.45
<u>EFT 21371125</u>	Oregon Department of Revenue	11/30/2020	\$3,744.85
<u>EFT OSGP11302020</u>	VOYA - STATE OF OREGON - LG#:2234	11/30/2020	\$565.00
<u>EFT V11302020</u>	Valic	11/30/2020	\$450.00
	Total	Check	\$104,960.92 95
	Total	9001000967	\$104,960.92 95
	Grand Total		\$104,960.92 95



Accounts Payable Register

City of Aumsville

Fiscal: 2020-21

Deposit Period: 2020-21 - December

Check Period: 2020-21 - December - First Council

Number	Name	Print Date	Amount
Riverview Community Bank	9001000967		
Check			
<u>54447</u>	AG WEST SUPPLY	12/1/2020	\$788.50
<u>54448</u>	ARETE ADVISORS LLC	12/1/2020	\$250.00
<u>54449</u>	BIOLYNCEUS BIOLOGICAL SOLUTIONS, LLC	12/1/2020	\$2,084.99
<u>54450</u>	GRAINGER	12/1/2020	\$65.11
<u>54451</u>	METCOM 9-1-1	12/1/2020	\$7,870.50
<u>54452</u>	MOONLIGHT MAINTENANCE	12/1/2020	\$494.75
<u>54453</u>	NEWMAN SIGNS, INC	12/1/2020	\$38.67
<u>54454</u>	THE AUTOMATION GROUP	12/1/2020	\$786.25
<u>54455</u>	WAVE	12/1/2020	\$9.95
<u>54456</u>	ZIONS BANK CORPORATE TRUST	12/1/2020	\$138,797.62
	Total	Check	\$151,186.34
	Total	9001000967	\$151,186.34
	Grand Total		\$151,186.34

