

**CITY CODE**

**OF**

**ECHO,**

**OREGON**

**CODIFIED 1986/upgraded December 2002**

## **PREFACE**

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This volume of the Municipal Code of the City of Echo, as supplemented, contains all ordinances up to and including Ordinance No. 332-02. Ordinances of the City adopted after said Ordinance supersede the provisions of this Municipal Code to the extent that they are in conflict or inconsistent therewith. Consult the City office in order to ascertain whether any particular provision of the Code has been amended, superseded or repealed.

**ORDINANCE NO. 265-86**  
**AN ORDINANCE ADOPTING**  
**THE CITY CODE OF ECHO, OREGON**

The City of Echo does ordain as follows:

**Section 1:** From and after the date of passage of this ordinance, the City Code of the City of Echo, Oregon, prepared by Sterling Codifiers, Inc., containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the City, shall be accepted in all courts without question as the Official Code and Law of the City as enacted by the Mayor and City Council.

**Section 2:** There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting, provision of the Official City Code is identified by the proper catchline and is inserted in the proper place in each of the official copies, three (3) copies of which shall be maintained in the office of the City Recorder, certified as to correctness and available for inspection at any and all times that said office is regularly open.

**Section 3:** All ordinances of a general nature included in this Official City Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official City Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code. Such ordinances are not intended to be included in the Official City Code.

**Section 4:** It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

Any person, firm or corporation violating this Section shall be

punished as provided in Section 1-4-1 of the City Code of Echo, Oregon.

**Section 5:** All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

**Section 6:** This ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and approval in accordance with law, as printed and published in book form by order of the Mayor and City Council.

INTRODUCED: 1-21-87

PASSED: 1-28-87

APPROVED: Douglas R. Clement  
Mayor

ATTEST:

Diane Berry  
City Recorder

RECORDED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

# ECHO CITY CHARTER

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## **A CHARTER**

To provide for the government of the City of Echo, Umatilla County, Oregon, and to repeal all charter provisions of the City prior to the time that this charter takes effect.

Be it enacted by the people of the City of Echo, Umatilla County, Oregon:

### **Chapter 1**

#### **NAME AND BOUNDARIES**

Section 1. **Title of Enactment.** This enactment may be referred to as the ECHO CITY CHARTER OF 1978.

Section 2. **Name of City.** The municipality of Echo, Umatilla County, Oregon, shall continue to be a municipal corporation with the name "City of Echo".

Section 3. **Boundaries.** The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The recorder shall keep in his office at the city hall at least two copies of this charter in each of which he shall maintain an accurate, up to date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder.

### **Chapter II**

#### **POWERS**

Section 4. **Powers of the City.** The city shall have all powers which the constitutions, statues, and common law of the United States and of this state expressly or implied grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. **Construction of Charter.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state

laws and to the municipal home rule provisions of the state constitution.

### Chapter III

#### FORMS OF GOVERNMENT

Section 6. **Where Powers Vested.** Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. **Council.** The council shall be composed of a mayor and six councilmen elected from the city at large.

Section 8. **Councilmen.** The councilmen in office at the time this charter is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, three councilmen shall be elected, each for a term of four years.

Section 9. **Mayor.** At each biennial general election a mayor shall be elected for a term of two years.

Section 10. **Other Officers.** Additional officers of the city shall be a municipal judge, a recorder, and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

Section 11. **Salaries.** The compensation for the services of each city officer and employee shall be the amount fixed by the council. No councilman or mayor, however, shall receive compensation for serving in that capacity.

Section 12. **Qualifications of Officers.** No person shall be eligible for an elective office of the city unless at the time of the election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members.

Section 13. **Meetings.** The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the govern-

ment of its members and proceedings. The mayor, upon his own motion, may, or at the request of three members of the council, shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three or nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. **Quorum.** A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. **Record of Proceedings.** The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.

Section 16. **Proceedings to be Public.** No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. **Mayor's Functions at Council Meetings.** The mayor shall be chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. **President of the Council.** At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

Section 19. **Vote Required.** Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

## Chapter V

### POWERS AND DUTIES OF OFFICERS

Section 20. **Mayor.** The mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a licence, contract, or proposal, the mayor shall endorse the bond.

Section 21. **Municipal Judge.** The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Echo, Umatilla County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and other for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 22. **Recorder.** The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

## Chapter VI

### ELECTIONS

Section 23. **Regular Elections.** Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

Section 24. **Notice of Regular Elections.** The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election

Section 25. **Special Elections.** The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

Section 26. **Regulation of Elections.** Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 27. **Canvas of Returns.** In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28. **Tie Votes.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 29. **Commencement of Terms of Office.** The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 30. **Oath of Office.** Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he or she will support the constitutions and laws of the United States and Oregon and that he or she will faithfully perform the duties of his or her office.

Section 31. **Nominations.** A qualified elector who has resided in the city during the twelve months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than twenty electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than ninety nor later than thirty days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, with the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and that person shall file with the recorder his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

## Chapter VII

### VACANCIES IN OFFICE

Section 32. **What Creates Vacancy.** An office shall be deemed vacant upon the incumbent's death; Adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of Public records; resignation, recall from office, or ceasing to possess the qualifications for the office; Upon the failure of the person elected or appointed to the office to qualify in the case of a Mayor or Councilman, upon his absence from the city for thirty days without the consent of the council or upon his absence from meetings of the council for sixty days without like consent, and upon a declaration by the council of the vacancy.

Section 33. **Filling of Vacancies.** Vacant elective offices in the city shall be filled by appointment. No person shall be eligible for appointment unless, at the time of appointment, he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the appointment. A majority vote of the council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon his appointment and shall continue for the unexpired term of his predecessor. If the unexpired term of the appointee's predecessor is more than twenty-six months in length, the appointee shall stand for election to fill the remainder of the predecessor's term at the next available election; if the unexpired term of the appointee's predecessor is less than twenty-six months in length, the appointee shall serve the remainder of the unexpired term without standing for election. During the temporary disability of any officer or during his temporary absence from the city for any cause, his office may be filled pro tempore by appointment without standing for election.

## Chapter VIII

### ORDINANCES

Section 34. **Enacting Clause.** The enacting clause of all ordinances hereafter enacted shall be, "The City of Echo ordains as follows:".

Section 35. **Mode of Enactment.** (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its

final passage, be read fully and distinctly in open council meeting on two different days.

(2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(3) Any of the readings may be by the title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(5) Upon the enactment of an ordinance, the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, this name and title of his office.

Section 36. **When Ordinances Take Effect.** An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

## Chapter IX

### PUBLIC IMPROVEMENTS

Section 37. **Condemnation.** Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 38. **Improvements.** The procedure for making, al-

tering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state.

Section 39. **Special Assessments.** The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. **Bids.** A contract in excess of \$1,000.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

Section 40-A. **Water System Construction.** (a) Notwithstanding any other provisions of the charter of the city of Echo, the city is authorized to construct a new water system to replace the present water distribution system and storage reservoir, to provide 100% metering at sources and all individual customer accounts and any other uses, to replace old antiquated fire hydrants for which parts are no longer available with pump type hydrants, to implement a definite operation and maintenance program for meters, valves, pumps and controls, to adopt an equitable user rate schedule to provide for proper operation, maintenance, and system replacement, and to explore all sources of grant funding to accomplish these ends.

(b) The city shall issue and sell general indebtedness bonds of the city in an amount not to exceed \$750,000.00 to provide funds for the purpose of constructing a new water system and to pay all costs incident to the sale of such bonds, all in accordance with such terms and conditions of sale as the common council may prescribe.

Section 41. **Debt Limit.** Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000.00; nor its bonded indebtedness, \$500,000.00 at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. **Prior Acts of City Validated.** All conditions, acts, proceedings and actions taken by the City of Echo, its elective and appointed officials, its employees, agents and assigns since December 7, 1972, as set out in the City of Echo Charter of

1972, voted on by the people of the City of Echo on November 7, 1972, are hereby declared to be confirmed, validated and ratified.

Section 43. **Existing Ordinances Continued.** All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 44. **Repeal of Previously Enacted Provisions.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 45. **Time of Effect of Charter.** This charter shall take effect upon approval by a majority of the votes cast thereon by the people of the City of Echo.

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TITLE 1

ADMINISTRATIVE

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## CHAPTER 1

# OFFICIAL CITY CODE

Section:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1:           **TITLE:** Upon adoption by the Council, this City code is hereby declared to be and shall hereafter constitute the official City Code of the City of Echo. This City Code of ordinances shall be known and cited as the ECHO CITY CODE, and it is hereby published by the authority of the Council and shall be kept up to date as provided in Section 1-1-3 of this Chapter under the direction of the City Attorney, acting for the said City Council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and the title heading, and to the general penalty clause, relating thereto, as well as to the section itself, when reference is made to this City Code by the title in any legal documents.

1-1-2:           **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code.

1-1-3:           **AMENDMENTS:** Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each indiv-

idual copy of the City Code.

1-1-4:               **CODE ALTERATION:** It shall be deemed unlawful for

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any person to alter, change, replace or deface in any way any section or any page of this City Code in such manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Recorder shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Recorder. Any person having in his custody an official copy of the City Code shall make every effort to maintain said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Recorder. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Recorder when directed to do so by order of the City Council. (1986 Code)

## Chapter 2

### SAVING CLAUSE

#### SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1:           **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City are passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.

1-2-2:           **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3:           **COURT PROCEEDINGS:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance expressly repealed or not, as to any of-

fense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed  
1-2-3 1-2-4

or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding,

so far as practicable, if any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provision upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases by declared unconstitutional, invalid or ineffective. (1986 Code)

### CHAPTER 3

## DEFINITIONS

#### SECTION:

- 1-3-1: Construction of Words  
 1-3-2: Definitions, General  
 1-3-3: Catchlines

1-3-1:           **CONSTRUCTION OF WORDS:** Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

The word "ordinance" contained in the ordinance of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "Subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates such as original ordinances.

1-3-2:           **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT           A person acting on behalf of another.



- (2) ORS 161.545.
- (3) ORS 161.505.

1-3-2

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- OPERATOR           The person who is in charge of any operation, business or profession.
- OWNER               As applied to a building or land, this term shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
- PEACE OFFICER<sup>1</sup>     A sheriff, constable, marshal, member of the Oregon State Police, Municipal policeman or investigator of the Criminal Justice Division of the Department of Justice and such other persons as they may be designated by law.
- PERSON              Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
- PERSONAL PROPERTY    Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
- RETAILER            Unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise articles or things in small quantities direct to the consumer.
- RIGHT OF WAY        The privilege of the immediate use of the roadway or other property.
- STATUTORY RATE<sup>2</sup>     The rate of interest for the following transactions, if the parties have not otherwise agreed to a rate of interest, is nine percent (9%) annum and is payable on:
- A. All moneys after they become due; but open accounts bear interest from the date of the last

item thereof.

(1) ORS 161.015(4).

(2) ORS 82.010(2)

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2 Money received to the use of another and retained without a reasonable time without the owner's express or implied consent.

C. Money due or to become due where there is a contract to pay interest and no rate specified.

STREET

Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

TENANT

As applied to a building or land this term shall include any person who occupies the whole or any part of such building or land whether alone or with others.

VIOLATION<sup>1</sup>

An Offense is a violation if it is so designated in the statute or ordinance defining the offence or if the offense is punishable only by a fine, forfeiture or other civil penalty. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

WHOLESALER

The terms "wholesaler" and "wholesale dealer", unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WRITTEN,  
IN WRITING

The words "written" or "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-3-3: **CATCHLINES:** The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be the titles of such sections, nor be deemed to govern,

limit, modify or in any manner affect the scope, meaning or

(1) ORS 161.565

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intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1986 Code)

## Chapter 4

**GENERAL PENALTY**

## SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application of Provisions
- 1-4-3: Liability of Officers

1-4-1: **GENERAL PENALTY:** A Sentence to pay a fine for a violation of any section or provision of this City Code, where no other penalty is set forth, shall be a sentence to pay an amount, fixed by the court, not exceeding two hundred fifty dollars (\$250.00).<sup>(1)</sup>

1-4-2: **APPLICATION OF PROVISIONS:** The penalty provided in this chapter shall be applicable to every section of this City Code the same as though it were a part of each separate section. Any person convicted of a violation of any section of this City Code where a duty is prescribed or obligation imposed, or where any action, which is of a continuing nature, is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed so such act continues, unless otherwise specifically provided in this City Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-3:     **LIABILITY OF OFFICERS:** No provision of this City Code designating the duties of any officer or employee shall

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(1) ORS 161.635(3).

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be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intent of the Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1986 Code)

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Chapter 5

**CITY ADMINISTRATOR**

SECTION:

- 1-5-1: Office Established; Requirements
- 1-5-2: Powers and Duties
- 1-5-3: Supervision by City Council
- 1-5-4: Salary Set by Common Council
- 1-5-5: Removal from Office, Procedure

1-5-1: **OFFICE ESTABLISHED; REQUIREMENTS:** In recognition of the need for a professional administrator of the City, the office of City Administrator is hereby established. The City Administrator shall be chosen without regard to political consideration and solely with reference to his executive and administrative qualifications. Before taking office, he shall have a corporate surety bond in the minimum available amount issued by corporate sureties for which the premium will be paid by the City. (Ord. 226-78, 6-14-78; 1986 Code)

1-5-2: **POWERS AND DUTIES:** The powers and duties of the City Administrator shall be as follows:

- A. General Duties, Council Meeting Attendance: He shall devote his entire time to the discharge of his official duties; attend all meetings of the Council, unless excused therefrom by the Council or the Mayor; keep the Council advised at all times of the affairs and departments of the City. He shall be directly responsible to the City Council as an entity.
- B. Chief Administrator, Personnel Officer: He shall be the Chief Administrator and personnel officer of the City. He shall directly supervise all department heads and office staff except the Municipal Judge. He shall appoint and re-

move or transfer all appointive City officers and employees. The Administrator shall exercise general supervision and he shall report to the Mayor and the City Council for their action only, and recommendations for hiring and discharging employees.

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- C. Purchasing Agent: He shall act as purchasing agent for all departments of the City. All purchases over two hundred fifty dollars (\$250.00) shall be first approved by the City Council.
- D. Budget Preparation: He shall be responsible for preparing the general operating budget of the City. He shall compile the budget for submissions from the committee chairman and the financial records kept by the City Recorder.
- E. Liaison With Other Governmental Bodies: He shall be responsible for the City relations with other governmental and quasi-governmental bodies, and for seeking the best possible service of these to the City.
- F. ICMA Membership: He shall honor in all respects the Code of Ethics of the International City Management Association, of which he shall be a member.
- G. Ordinance Enforcement: He shall ensure that all laws and ordinances are enforced, except the provisions of any laws or ordinances which involve criminal violations. The responsibilities in these cases shall be the duty of the Police Department. He shall administer and enforce the policies and rules, procedures and resolutions adopted by the Mayor and Council, and shall make such recommendations concerning the affairs of the City as he deems desirable. He shall, however, have no vote in the deliberations of the Council.
- H. Resolution of Complaints: He shall meet with private citizens and interested groups seeking information and bringing complaints and shall attempt to resolve problems and complaints fairly or report same to the Council.
- I. Council Discussion: He shall sit with the Council at all meetings and shall have the right to take part in all discussions with the Council, but shall have no vote.
- J. Utilities Supervision: He shall supervise the operation of all public utilities owned and operated by the City and

shall have general supervision over all City property, with Council approval and consent of all major decisions.

- K. Administrative Head of City: He shall be the administrative head of the City and shall recommend to the Council, when necessary to achieve a more efficient operation of the City
- 1-5-2 1-5-6

government, the organization, reorganization or change of the various departments of the City government.

1-5-3: **SUPERVISION BY CITY COUNCIL:** No individual member of the City Council, in any manner directly or indirectly, may require the City Administrator to undertake projects requiring the expenditure of City funds or materials. The City Administrator shall undertake such projects only upon the majority vote of the City Council.

1-5-4: **SALARY SET BY COMMON COUNCIL:** The salary of the City Administrator shall be such sum be from time to time fixed and determined by the Common Council.

1-5-6: **REMOVAL FROM OFFICE, PROCEDURE:** The City Administrator may be removed from office by the Council upon thirty (30) days' written notice setting forth the reasons for removal. He shall also give the City Council thirty (30) days' written notice of resignation from the office. If removal from the office is considered by the City Administrator to be unfair, he may request in writing within ten (10) days of notice, and shall be granted a hearing before the City Council, at which hearing he may present information upon which he has based his judgment of unfair treatment. After hearing the information, the City Council may uphold the removal or vote to reinstate. If the period of deliberation extends beyond thirty nine (39) days from the time of the original notice of removal, the City Administrator will receive all compensation normally due until the end of deliberations. (Ord 226-78, 6-14-78)

Chapter 6

**ASSESSMENTS, LIENS ON PROPERTY**

SECTION:

- 1-6-1: State Statutes Applied
- 1-6-2: Lien Docket
- 1-6-3: Interest Rates Established
- 1-6-4: Collection by Recorder

1-6-1: **STATE STATUTES APPLIED:** Unless other provided for by ordinance, all liens shall be enforced and assessments collected in the manner established by Oregon Revised Statutes. (Ord. 170, 7-7-71; 1986 Code)

1-6-2: **LIEN DOCKET:**

A. Lien Docket Provided: The City Recorder shall keep a record of all liens imposed or assessed upon property for any purpose by the City, and such a record shall be known as the lien docket.

B. Contents of Docket: Each lien shall be recorded under separate headings in the lien docket. The record of liens shall state the nature of the lien, the description of each lot or parcel of land or other property upon which the lien is imposed, the name of the owner, the property subject to the lien, the amount of the lien which is unpaid, the amount paid or credited to the lien and such other data as may be required by the Common Council of the City. (Ord. 170, 7-7-71)

1-6-3: **INTEREST RATES ESTABLISHED:** Unless otherwise provided for by ordinance, a lien or assessment shall bear interest at the statutory rate from the date of entry of the lien in the lien docket. The interest rate herein provided for shall not apply to any assessments made prior to the taking effect of

this Chapter. Assessments made prior to the taking effect of this Chapter will continue without a charge of interest. (Ord. 170, 7-7-71; 1986 Code)

1-6-4:       **COLLECTION BY RECORDER:**   The City Recorder shall cause

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          to be collected all unpaid liens or assessments and maintain records relating to the collection proceedings. (Ord. 170, 7-7-71)