

SHANIKO, OREGON
ORDINANCE NO. 51

**AN ORDINANCE OF THE CITY OF SHANIKO IMPLEMENTING A FIVE PERCENT
(5%) TRANSIENT LODGING TAX**

Whereas, a local transient lodging tax is a tax imposed by a local government on the sale, service or furnishing of transient lodging.

Whereas, transient lodging includes hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy.

Whereas, ORS 320.350 provides that a city council may impose a new local transient lodging tax if at least seventy percent (70%) of the net revenue shall be used to fund tourism promotion or tourism-related facilities or certain debt-related expenses and no more than thirty percent (30%) of net revenue may be used for city services.

Whereas, the city wishes to require any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: (1) charges for occupancy of the transient lodging; (2) collects the consideration charged for occupancy of the transient lodging; (3) or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging and remitting the tax to the city.

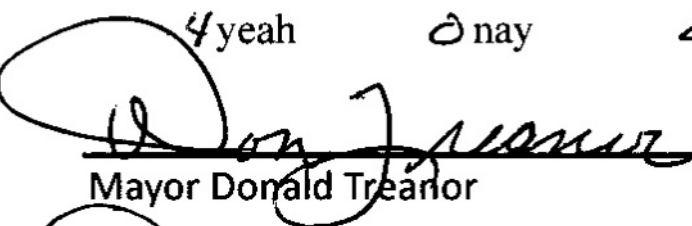
Whereas, the city council wants to impose a five percent (5%) transient lodging tax.

☒ yeah

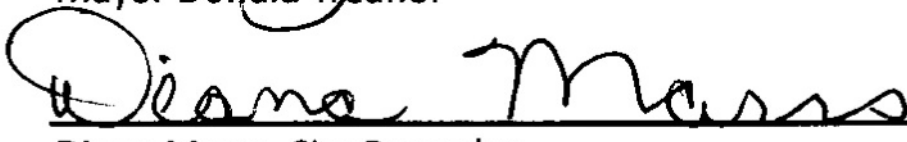
☐ nay

☐ abstained

☐ absent


Mayor Donald Treanor

11-13-2023


Diana Marrs, City Recorder

11/13/2023

NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHANIKO
ORDAINS AS FOLLOWS:

is hereby added to the Shaniko municipal code as follows:

Section 1. Definitions. The following definitions apply in this chapter:

- A. Transient Lodging Provider means a person that furnishes transient lodging.
- B. Transient Lodging Intermediary means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and: (a) charges for occupancy of the transient lodging; (b) collects the consideration charged for occupancy of the transient lodging; or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.
- C. Transient Lodging Tax Collector means a transient lodging provider or transient lodging intermediary.
- D. Occupancy means the right to use or possession of any space in transient lodging for dwelling, lodging or sleeping purposes for less than 30 days.
- E. Occupant means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.
- F. Person means any individual, firm, partnership, joint venture, limited liability company, corporation, limited liability partnership, association, host, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- G. Rent means the consideration paid or payable by an occupant for the occupancy of space in transient lodging valued in money, goods, labor, credits, property, or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.
- H. Short-Term Rental means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents a guest bedroom or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use.
- I. Short-Term Rental Hosting Platform means a business or other person that facilitates the retail sale of transient lodging by connecting occupants with transient lodging providers, either online or in any other manner. Short-term hosting platforms are transient lodging intermediaries.
- J. Tax administrator means the City Clerk of the City of Shaniko or designee.

K. Transient Lodging or Transient Lodging Facilities means: (1) Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy; (2) Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or (3) Houses, cabins condominiums, apartments units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

L. TLT means the transient lodging tax.

M. City means the City of Shaniko.

Section 2. Tax Imposed

A. Effective August 1 2023 each occupant shall pay a TLT in the amount of FIVE percent (5%) of the rent. The occupant shall pay the TLT with the rent to the transient lodging tax collector. TLT amounts shall be rounded down to the nearest cent. The transient lodging tax collector shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the transient lodging tax collector with each installment unless the occupant pays the entire amount with the first payment.

B. Bills, receipts or invoices provided to occupants shall list the TLT separately and must accurately state the amount of tax. All amounts listed as TLT on invoices, bills or receipts must be reported as TLT and, after collection, must be turned over to the city, less any administrative charge, which may not exceed five percent (5%).

Section 3. Collection of TLT by Transient Lodging Tax Collector

A. Every transient lodging tax collector shall collect the TLT at the time rent is paid, unless an exemption applies. If payment is by credit card, for purposes of this section, payment is made at the time credit card information is provided to the transient lodging tax collector, not when the transient lodging tax collector ultimately receives credit for the transaction. While holding the payment in trust for the city, a transient lodging tax collector may commingle the tax proceeds with the transient lodging tax collector's funds, but the transient lodging tax collector is not the owner of tax proceeds, except that, when a return is filed, the transient lodging tax collector becomes the owner of the administrative fee authorized to be retained. Transient lodging tax collectors may choose to file returns and remit payment based on amounts accrued but not yet collected. The transient lodging tax collector is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.

B. Upon request of the city, transient lodging tax collectors must provide all physical addresses of transient lodging facilities within the city limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location.

Section 4. Short-Term Rental Hosting Platform Fees. A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when

those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

Section 5. Liability for Tax. Transient lodging providers who receive any portion of the rent for transient lodging and transient lodging intermediaries that provide booking service are both, transient lodging tax collectors and are jointly and severally liable for the tax.

Section 6. Exemptions. No TLT shall be imposed upon:

- A. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority.
- B. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment.
- C. A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year and is not rented out as transient lodging using a platform of any kind provided in any manner by a transient lodging intermediary.
- D. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter.
- E. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or
- F. A dwelling unit at a nonprofit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if: (a) All dwelling units occupied are within the same facility; and (2) The person paying consideration for the transient lodging is the same person through the consecutive period.

Section 7. Registration of Transient Lodging Provider – Form and Contents – Execution – Certification of Authority.

A. Every person engaging or about to engage in business as a transient lodging provider shall provide a completed registration form to the tax administrator within 15 calendar days after commencing business. The registration form shall require the transient lodging provider to provide the name of the business, any separate business addresses, and other information as the tax administrator may require to implement this Chapter. Transient lodging providers who own or operate transient lodging facilities in Shaniko shall provide the address of the lodging facility. The registration form shall be signed by the transient lodging provider. The tax administrator shall, within 15 days after registration, issue without charge a certificate of authority to collect the TLT. The transient lodging provider's obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If the rent transaction is facilitated online, the certificate of authority must be

able to be viewed by the occupant by clicking on a link to the certificate of authority at a reasonable place during the payment transaction.

B. Certificates shall be non-assignable and non-transferable and shall be surrendered to the tax administrator when the business is sold or transferred or when a transient lodging facility ceases to operate at the location specified in the registration form. Each certificate issued to a transient lodging provider for a specific lodging facility shall be prominently displayed at the lodging facility and include;

1. Name of the transient lodging provider;
2. The address of the transient lodging facility;
3. The date the certificate was issued; and
4. The certificate number as assigned by the tax administrator.

Section 8. Remittances and Returns.

A. Transient lodging tax collectors must submit a completed tax return from to the tax administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter and accompanied by remittance of all tax collected, less a five percent administration fee.

B. The transient lodging tax collector is entitled to the administration fee. If a transient lodging facility has multiple owners, they are not entitled to retain additional fees.

C. Remittances are delinquent if not made by the last day of the month in which they are due.

D. Returns shall show the gross rents collected, taxable rents, the total amount of TLT collected and the amount of the administrative fee retained by the transient lodging tax collector. Returns shall also show the exempt and excluded rents and the basis for the exemptions and exclusions.

E. Tax returns and remittances may be submitted in person or by mail. If the return and remittance is mailed, the postmark shall be considered the date of delivery.

F. The tax administrator may extend the time for making the any return or remittance of the tax by up to 30 days. No further extension shall be granted, except by the city council. Any transient lodging tax collector to whom an extension is granted shall pay interest at the rate of FIVE percent [5%] per month on the amount of the remittance due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become part of the tax for computation of penalties.

Schedule 9. Penalties and Interest

A. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the tax administrator was originally required to be filed to the time of payment.

B. If a transient lodging tax collector fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.

C. Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the tax administrator.

D. Taxes, interest, and penalties paid to the tax administrator under this section shall be distributed to the City's {Name of designated fund}.

Section 10. Deficiency Determination – Fraud, Evasion, Local Tax Trustee Delay

A. *Deficiency Determination.* The tax administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the transient lodging tax collector, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail.

1. In reviewing and adjusting tax returns, the tax administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.

2. Except in the case of fraud or intent to evade the TLT, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.

3. The time to remit deficient payment amounts under this section shall be extended if the local tax trustee timely requests a redetermination.

B. *Fraud – Refusal to Collect – Evasion.* If any transient lodging tax collector fails to collect, report, or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this chapter, the tax administrator shall estimate the tax due, and calculate the amount owing from the transient lodging tax collector for tax remittance, interest and penalties and provide notice to the transient lodging tax collector of the assessment. The determination and notice shall be made and mailed within three years of the discovery by the tax administrator of the violation. The determination is due and payable upon receipt of notice and shall become final 10 business days after the date notice was delivered if no petition for redetermination is filed.

Section 11. Redeterminations

A. Any person affected by a deficiency determination may file a petition for redetermination with the tax administrator within 10 business days of service of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.

B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 business days to prepare for the hearing.

C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute over the amount owing.

D. The decision of the tax administrator on redetermination becomes final and payment is due 10 business days after the decision is mailed unless the petitioner files an appeal to the city council within that time. The appeal shall be filed with the tax administrator. The city council's decision shall be final when reduced to writing and ailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the city council decision.

Section 12. Collections.

A. The city may bring legal action to collect on any amounts owed to the city under this chapter within three years after remittance is due to the city or within three years after any determination becomes final.

B. The city is entitled to collect reasonable attorney's fee in any legal action brought to collect on amount owed to the city under this chapter.

Section 13. Liens. The city may record a lien in the city's lien docket against any real property owned by a transient lodging provider who receives any portion of the rent from a transient lodging facility located within the city as to any delinquent remittances by the transient lodging provider.

Section 14. Refunds.

A. *Refunds by city to Transient Lodging Tax Collector.* If the transient lodging tax collector remits more tax, penalty or interest than is due, the transient lodging tax collector may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the tax administrator, the excess amount shall be either refunded or credited on any amount due from the transient lodging tax collector.

B. *Refunds by City to Occupant.* A transient lodging tax collector may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the city

and the occupant was not required to pay the tax or overpaid, the city shall issue a refund to the occupant.

C. *Refunds by Transient Lodging Tax Collector to Occupant.* If an occupant has paid tax to a transient lodging tax collector but stays a total of 30 or more consecutive days in the same transient lodging facility, the transient lodging tax collector shall refund to the occupant any tax collected for any portion of the continuous stay. The transient lodging tax collector shall account for the collection and refund to the tax administrator. If the transient lodging tax collector has remitted the tax prior to the refund or credit to the occupant, the transient lodging tax collector shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

D. *Burden of Proof.* The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

Section 15. Administration.

A. *Use of TLT Funds.* Seventy percent (70%) of the revenue from the tax rate of five percent (5%) shall be used for tourism promotion and tourism -related facilities. Thirty percent of the revenue of the five percent (5%) shall be used for city services.

B. *Records Required from Local Tax Trustee.* Every local tax trustee shall keep records of each transaction involving rent and/or collection of TLT. All records shall be retained for at least three years and six months.

C. *Examination of Records- Investigation.* The tax administrator or agent may examine all records of a local tax trustee relating to receipt of rent and TLT and remittance of tax during normal business hours and may obtain copies of the records to audit returns.

D. *Authority of Tax Administrator.* The tax administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered transient lodging providers. The tax administrator may also issue written interpretations on request of a transient lodging tax collector. As to the transient lodging tax collector to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the city shall provide 30 days' written notice of withdrawal of an interpretation.

E. *Confidential Character of Information Obtained – Disclosure Unlawful.* The city shall maintain the confidentiality of information provided by transient lodging tax collector. Nothing in this subsection shall be construed to prevent:

1. The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the purpose of administering or enforcing any provisions of this chapter or collecting city business license fees.

2. Disclosure of information to the transient lodging tax collector and the transient lodging tax collectors agents.
3. The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
4. The disclosure of general statistics regarding taxes collected or business done in the City.
5. Disclosures required by ORS Chapter 192.
6. Disclosures required by ORS Chapter 297.

Section 16. Appeals to City Council. Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing a written appeal with the tax administrator within 10 business days of the serving or mailing of the decision being appealed. The City manager shall schedule the hearing on a city council agenda and provide the appellant notice of the hearing at least 10 business days before the hearing. The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the city council by filing a written appeal within 10 business days of the mailing of the notice of the regulation.



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

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Small Water System Enabling Ordinance or Enabling Authority

Per OAR 333-061-0070, water suppliers shall develop and implement cross connection control programs that meet the minimum requirements set forth in the appropriate Oregon Administrative Rules. This written program must be on file with the Drinking Water Program. It defines and details the water system's Cross Connection Program Rules and process for compliance. This document is normally called an enabling ordinance or enabling authority. Some water systems put this information in their customer's water system's requirements for service, bylaws, resolutions or home owner's association rules. The Drinking Water Program is not a source for legal advice and every water system needs to conform to their system's legal structure. The purpose of a backflow program is to protect the health of customers by preventing contaminants from flowing backwards and contaminating their water system.

The following items should be included in your Enabling Ordinance:

1. Table 48 in OAR 333-061-0070 lists "High" or "Health Hazards". These are the most serious cases to be addressed. The majority of small systems (especially under 50 connections) do not have these; but if they do, they must require a RP (Reduced Pressure Backflow Prevention Assembly) for protection.
2. Installation of backflow assembly devices and assemblies are to be installed per Oregon's Plumbing Specialty Code. There are pictures and general requirements in our rules at OAR 333-061-0071.
3. All backflow devices and assemblies are to be tested:
 - a. Upon installation, and
 - b. After a backflow incident, and
 - c. If the device is moved or repaired, and
 - d. At least yearly.

These devices may be part of the water system well or distribution system or on customer's property. There are no "grandfathering" clauses for these rules to allow customers to not have and test these devices.

4. When these backflow devices and assemblies are tested and do not pass, the water system must require the water user or property owner to repair or replace the device and have it tested again.
5. Table 48 (as of 9-1-2010) may not list all high hazards. It is the water supplier's responsibility to evaluate situations and specify proper protection. They can use help from the Drinking Water Program.
6. No cross connections are allowed. This may be possible in some systems; but if a potential exists, the water system must be protected by an appropriate backflow preventer.
7. A list of "High Hazard" installations in your system. There may be none, if so state this.
8. If any backflow prevention devices or assemblies are in your system, maintain a list

including address, device type, model, serial number and current test reports. It is not required to send in test reports. Use the information to complete the Annual Summary Reports.

9. All devices and assemblies must have been on Oregon's Approved List when installed.

10. Although you may use many different methods of insuring compliance for your customers. OAR 333-061-0070 (9) (a) requires systems to have in writing the following.

Local enabling authorities or ordinances shall allow the water system to discontinue water service to premises for:

- A. Failure to remove or eliminate an existing unprotected or potential cross connection.
- B. Failure to install a required approved backflow prevention assembly where necessary.
- C. Failure to maintain an approved backflow prevention assembly.
- D. Failure to conduct the required testing of an approved backflow prevention assembly

11. Water Supplier or System will turn in Annual Summary Reports yearly.

12. Send a copy of your enabling authority with your Annual Summary Report. It is not necessary to send your enabling ordinance every year unless you make changes to it.

OTHER ITEMS

1. On page 2 of your annual summary report you will see a section titled "7. Written Backflow Prevention Program". This is different from the enabling ordinance, but you can combine them if you want. It has three sections:

- [b.] It asks for "a master list of facilities". Simply copy any list you already have with all customers listed and head it "Master List of Facilities".
- [c.] It asks for "designates hazard level". Simply check or put a star by high hazards. If appropriate, simply state "we have no high hazards".
- [d.] Record of yearly inspection. If you have no devices or assemblies, simply write this on the list.

2. Do NOT outlaw either DCs (Double Check Backflow Devices) or RPs (Reduced Pressure Backflow Prevention Assemblies). You may not have anything now that require these two types of preventers, but they are specified in the Plumbing Code and in our rules and may be demanded in the future.

3. It is not recommended to refer to a section in the current rules, such as "We adopt 333-061-0070 numbers (1) to (5) and Table 48 from 2010 OAR". Our rules change frequently and our Tables and rule numbers change. Your rules would not say what you want.

4. Do not mail any test reports with your Annual Summary Report.

5. Make sure to keep a copy of your Annual Summary Report to reference in the future and for water system surveys.

On the next page is a sample ordinance for small water systems. A "small system" means fewer than 300 connections for this rule. You may model yours after this or you may continue using your existing one if you have one and if it meets the criteria in this letter. Please change where necessary to fit your system and your rules. Please feel free to contact the Cross Connection/Backflow Prevention Program at 971-673-1220 or email Michael.Perry@state.or.us . You can always call for help on your Annual Summary Report.

Sample Enabling Ordinance or Enabling Authority for Small Water Systems

Water System Name: _____

Water System PWS ID# **OR41** ☐ ☐ ☐ ☐ ☐

Date of Water System approval of this document _____

The purpose of this ordinance is to protect the health of the people served by this water system by preventing contaminants from flowing backwards into the water supply. To accomplish this, these rules are in compliance with OAR 333-061-0070 thru 333-061-0074. This includes installation, maintenance and testing of backflow prevention devices and assemblies; as well as other rules to report backflow data to the Oregon Health Authority (Department of Human Services) every year.

Actual or potential cross connections are prohibited. If a potential exists for a cross connection and this is necessary, the water system must be protected by an appropriate backflow prevention device or assembly. Most high hazards or health hazard are specified in the above listed Oregon Administrative Rules. They should be given the highest priority by this water system.

(Water System Name) has the right to refuse or terminate water service to any customer who does not install a backflow device or assembly, when necessary, test at least annually and repair if necessary the backflow devices on the customer's property.

(Water System Name) reserves the right to demand a backflow device at the customer's side of the water meter if access is not allowed to determine if a backflow device or assembly is necessary.

(Water System Name) will allow a reasonable time to achieve compliance with our rules, but should a backflow incident occur, the water system has the right to terminate service immediately and restore it only after compliance.

(Signatures)

The water system will meet their requirements for signing and dating this document, if the water system's rules or ordinances require it. (This may not be necessary)

City of Shaniko

Ordinance No. 45

AN ORDINANCE REGULATING CROSS CONNECTIONS TO THE SHANIKO WATER SYSTEMS AND ESTABLISHING STANDARDS THEREFORE; PROVIDING PENALTIES FOR VIOLATION; AND OTHER PERTINENT PROVISIONS; AND DECLARE AN EMERGENCY.

THE CITY OF SHANIKO ORDAINS AS FOLLOWS:

Section 1. Designation: This Ordinance shall be referred to and may be designated and cited as the Shaniko Cross Connection Control Ordinance.

Section 2. Purpose: The purpose of this Ordinance shall be to protect that water supply of the City of Shaniko from contamination of pollution due to existing or potential cross connections by establishing appropriate regulations and controls relating thereto, including that installation and proper maintenance of approval backflow and/or siphonage devices.

Section 3. Definitions:

- a) "Approved Backflow Prevention Device" means a device to counteract back pressures and/or prevent back siphonage. Such devices must be approved by the Oregon State Health Division.
- b) "Auxiliary Supply" means any water source or system other than the City's water system that may be available to a particular building or the premises.
- c) "Backflow" means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the City, into the City's water system.
- d) "Cross-connection" shall mean any actual or potential connection or structural arrangement, where by, the City's water system are connected directly or indirectly with any other water source or system, public or private, through which is possible to introduce into any part of the City's potable water with which the system is supplied, including any connection with sewer, drain, conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler or other device through which it is possible to introduce into any part of the water system contaminated water, sewage or other material of unknown or unsafe quality which may be capable of imparting contamination to City's water systems as a result of backflow or otherwise, bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur.

- e) "City water system" shall refer to and mean the City of Shaniko system which shall include its wells, pumping stations, reservoirs, supply, trunk or feeder lines, service lines, meters and all other appurtenances, devices lines and things necessary to the operation of the system and to supply water service to individual property or premise and shall include the City's potable water with which the systems are supplies.
- f) "Director of Public Works" shall include and mean the Superintendent of the City Water Bureau.

Section 4. Application and Responsibilities: This Ordinance applies throughout the City of Shaniko and to every premise and property served by the City water system. It applies to any premise water system, public or private. Every owner or occupant of any concerned premise is responsible for compliance with its terms and shall be responsible for any damages incurred as a result of failure to comply with the terms and provisions contained herein. All new water connections shall be required to install an Approved Backflow Prevention Device. Water connections pre-existing to the passage of this ordinance, shall be exempt until such time is required by the City or State.

Section 5. Cross-connections Prohibited: Unless provided specifically herein or specifically approved in writing by the Shaniko City Council, all cross-connections, whether of not they are controlled by automatic devices such as check valves or by hand operated mechanisms such as gate valves or stop cocks are prohibited.

Section 6. Backflow Prevention Device Installation: The owner of each property of premise services and/or furnished water by the City of Shaniko shall be required to install backflow prevention device under the following circumstances:

- a) There is upon said premises an auxiliary water supply which is or can be connected to the City's service or supply systems (including individual premises service plumbing) ;
- b) There is piping or equipment for conveying other than potable City water and that piping or equipment is under pressure and installed and operated in a manner that could cause cross-connection;
- c) There is intricate plumbing which makes it impractical to ascertain whether or not cross-connections exist;
- d) The concerned premises has restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient short notice to assure that cross-connections do not exist;
- e) There is fire line or irrigation service or domestic service larger than two inches;
- f) The premises have a repeated history of cross-connections being established or reestablished;
- g) The served premises from time to time may have materials of toxic or hazardous nature which are handled so that if back siphonage should occur a serious health hazard may result;
- h) Premises with the following or similar installation must have a backflow device installed: hot tubs, swamp coolers, dark rooms, swimming pools, solar systems, other uses specified by a Certified Cross-Connections Specialist representing the City;

disconnection, shall be at the expense of the owner of the concerned property and shall be paid in accordance with the City's practice and procedure, and may, if not paid, be collected through legal process or any other appropriate manner approved by law.

Section 9. Pre-existing Backflow Prevention Device: Any backflow prevention device installed before the effective date of this Ordinance, not an approved device as hereinabove set forth, shall be permitted to remain in service if:

- a) The device is properly maintained; and
- b) The type of device is commensurate with the degree of hazard, such determination to be made by the City Water Bureau; and
- c) The device is tested annually as required herein; and
- d) The device performs satisfactorily.

If a backflow device does not meet the standards of the Oregon State Health Division as hereinabove set forth, the device must be replaced if it is removed or requires more than minimum maintenance.

Section 10. Testing Requirements:

1. Any backflow prevention device which may be required to be installed under this Ordinance for the protection of the City's water supply shall be tested before its use in the City and annually thereafter, unless a more frequent testing is required. All tests required to be performed under this section must be performed by a tester certified by the State of Oregon or otherwise approved by the City and written result of such test furnished the City.
2. Any backflow prevention device which may be required by the City or State to be installed on property for the protection of a water supply shall be tested at the time of installation and anytime the device is moved or relocated (immediately after relocating or moving). The property owner must forward the results of such testing to the City within ten (10) days of the date of installation or relocation.
3. The property owner must order and cause to be performed a test of each backflow prevention device annually on or within thirty (30) days after the anniversary date of the initial testing. The City may require more frequent testing in order to assure the device is properly functioning in those installations which represent a serious health hazard as determined by the City or the State Health Division.
4. If the City has not received the results of such test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation of the device as the case may be, or the date of the City's discovery that a device was installed without appropriate test as applicable, the City may order such test and bill the property owner for the cost thereof if the device is for protection of a fire service or for a commercial use; if the device is for protection of a domestic service, the City may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.

- i) Premises on which any substance is handled under pressure so as to permit entry into that public water system, or where a cross-connection could be reasonably expected to occur; this includes the handling of process waters and cooling waters. Such kinds of cleaners include dry cleaners/laundromats, medical clinics, laboratories, car washes, petroleum processing or storage plants, food preparation facilities, other facilities specified by the City's Certified Cross-Connections Specialist.
- j) Backflow prevention devices shall be required on domestic services two inches or smaller if the building is more than two (2) stories or higher than 32 feet above the water main. One (1) or two (2) story buildings which exceed 32 feet in height may be exempt upon determination by the City that no backflow hazard exists.

Section 7. Type of Backflow Prevention Device Required and Location:

- 1. The type of backflow prevention device required shall be commensurate with the degree of hazard that exists and must meet at all times the standards of the Oregon State Health Division; all backflow prevention devices required under this section shall be of a type and model approved by the Oregon State Health Division.
- 2. A reduced pressure principle backflow prevention device shall be installed where the water supply may be contaminated by a substance that could cause health or system hazard. This type of device will also be required in any premise where entry is restricted by the water user. A reduced pressure principle backflow will be required at the point of connection between the City water system and any other water system which does not have a cross-connection program.
- 3. A double-check valve assembly pressure vacuum breaker or a reduced pressure principle backflow device assembly shall be installed where it is possible to interject a substance that may be objectionable, but not hazardous, into the water system.

Section 8. Location and Installation of Backflow Device:

- 1. The City may specify the location and method of installation of a backflow prevention device. The control or elimination of cross-connection shall be in accordance with Manuals of Standard Practice pertaining to cross-connections control approved by the City, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act" PL 93-523 and other applicable legislation, rules and regulations of the United States, the State of Oregon and concerned agencies.
- 2. Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be at the sole expense of the owner. The cost of any changes required in the City's system outside the property concerned, or between the meter and the supply line or distribution system, or any charges for cut-offs or

5. If the results of a test required by the City as herein set forth indicates that repairs are necessary, such repairs must be undertaken and a new test taken, and the results thereof forwarded to the City within thirty (30) days of the date of the test, indicating the defect was repaired.

Section 11. General Provisions:

1. Any person operating any mobile apparatus which uses the City's water system or water from any premises within the City must provide for backflow prevention and the provisions herein set forth are applicable.
2. All plumbing within buildings served by the City shall be so installed and all plumbing fixtures so constructed as to prevent pollution of the City's water supply by back siphonage or cross-contaminations. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

Section 12. Enforcement:

1. The Public Works Superintendent of the City or his duly authorized representative of the State of Oregon Health Division shall have the right without being deemed guilty of trespass or an unlawful act to check the premises of customers for cross-connections (physical connections), physical connections with other water supplies, and the general condition of water lines and service facilities, at any reasonable time. Any such connection prohibited thereby shall be removed by the customer immediately after written notice by the City, and if not so removed, the City shall remove or discontinue any connection it may have for servicing the property.
2. The Superintendent of Public Works will designate City Cross-Connections Specialists and institute, with the approval of the City Council, such additional rules and regulations necessary to carry the provisions of this Ordinance into effect.

Section 13. Penalties: Violation of any provision of this Ordinance, including maintenance of a cross-connection which is prohibited hereby or failure to provide and maintain an approved backflow device or failure to adhere to the backflow device testing schedule herein set forth is punishable upon conviction by a fine not to exceed \$500.00 per violation. Each day that such violation continues shall be considered a separate offense.

Section 14. Emergency Clause: Because the health, safety and welfare of the community, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage and signing by the Mayor and City Recorder.

Ayes 4

Nays 0

Absent 2

Passed this 14th day of March, 2006

Goldie L. Roberts Mayor

Debra J. Holbrook Recorder

CITY OF SHANIKO

Ordinance No. 46

**AN ORDINANCE FOR CONNECTION TO THE CITY WATER SUPPLY SYSTEM
ALL CITY BUILDINGS AND RESIDENCES FOR HUMAN OCCUPATION TO BE CONNECTED
TO THE MUNICIPAL WATER SYSTEM
AND PROHIBITING THE USE OF PRIVATE WATER SUPPLIES AND WELLS**

The City of Shaniko, ordains as follows:

SECTION 1: Unless the context clearly indicates otherwise, the following words and terms shall have the meaning set forth below:

- A. Person shall mean any natural person, or partnership, or association, private or public corporation.
- B. Private water supply system shall mean a system owned and operated by a person for collection and delivery of piped water for human consumption into commercial, industrial, or residential buildings or structures.
- C. Public water and supply system shall mean the City of Shaniko water supply system.

SECTION 2. No person shall build, establish, expand or maintain a private water supply system within the city limits of the City of Shaniko to connect to buildings of business or private residence.

SECTION 3. Any buildings used for human habitation or for human occupancy, including all business buildings, unless specifically exempted by the Council on that grounds that no human beings occupy or use such buildings and no human needs are generated therein, located on property adjacent to a water main, or in a block through which the water extends or could extend, shall petition for water service and connect to the city water system.

SECTION 4. Agricultural buildings hereafter constructed within the City on property adjacent to a water main or in a block through which the water system extends, or can be extended, shall connect to the municipal water system for all human needs.

SECTION 5. Where the municipal water system is available or can be made available to any parcel of property within the city limits of the City of Shaniko, the owner of such parcel of property shall make connection to the municipal water system. Where a parcel of property in the City of Shaniko has connected to the municipal water system or where the municipal water system is available or can be made available to a parcel of property, no owner or occupant of the said property or any other person shall construct or make use of any private water supply or well on said property, except for such purposes as may be allowed by the Shaniko City Council.

SECTION 6. This ordinance, declared an emergency for the best interest of the City of Shaniko and its residents, shall be in full force and effect from and after its passage by the Shaniko City Council and signed by the Mayor.

Passed by the Council of the City of Shaniko this 19th day of June, 2007.

By Holdie Lee Roberts, Mayor of Shaniko, June 23, 2007

ATTEST Hebra Holbrook, Recorder, July 9th, 2007

CITY OF SHANIKO

Ordinance No. 46

AN ORDINANCE FOR THE CITY MUNICIPAL WATER SYSTEM

THIS WILL OVERRIDE AND REPLACE ANY PREVIOUS VERSIONS OF SAID ORDINANCE No. 46

ALL CITY BUILDINGS AND RESIDENCES FOR HUMAN OCCUPATION TO BE CONNECTED TO THE
MUNICIPAL WATER SYSTEM

The City of Shaniko, ordains as follows:

SECTION 1: Unless the context clearly indicates otherwise, the following words and terms shall have the meaning set forth below:

- A. Person shall mean any natural person, or partnership, or association, public or private corporation.
- B. Private water supply system shall mean a system owned and operated by a person for collection and delivery of piped water for human consumption into commercial, industrial, or residential buildings or structures.
- C. Public water and supply system shall mean the City of Shaniko water supply system.

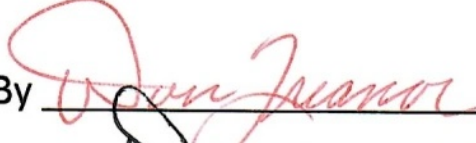
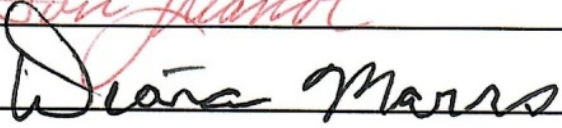
SECTION 2: No person shall build, establish, expand, or maintain a private water supply system within the city limits of the City of Shaniko to connect to buildings of business or private residence. The city can enter into an agreement with a private water source, that connects into the municipal water system, that combines the two systems. The parties must agree to follow all rules and regulations pertaining to a municipal water supply.

SECTION 3: The City by resolution shall adopt Chapter 48.10 Water System Code & Policy.

SECTION 4: Agricultural buildings hereafter constructed within the City on property adjacent to a water main or in a block through which the water system extends, or can be extended, shall connect to the municipal water system for human needs, as per Chapter 48.10

Aye's 4 Nay's 0 Absent 0 Abstain 0

Passed by the Council of the City of Shaniko this ____th. Day of February, 2023

By , Mayor of Shaniko, Feb 13, 2023
Attest , Recorder, 2/13, 2023

Chapter 46.10 WATER SYSTEM CODE & POLICY

Sections:

46.10.010	
46.10.020	
46.10.030	
46.10.040	Duties of water master and/or assist.
46.10.050	Records.
46.10.060	Application for service.
46.10.070	Connection charge.
46.10.080	Connection to city mains.
46.10.100	Service lines.
46.10.110	Separate service.
46.10.130	Unauthorized turn-on.
46.10.140	Application for turn-on.
46.10.150	Resale of water.
46.10.160	Multiple service.
46.10.180	Defective faucets or fixtures,
46.10.190	wasting
46.10.200	Right of access.
46.10.210	Discontinuance of water service.
46.10.220	Temporary discontinuance.
46.10.240	Water use charges, and SDC
46.10.250	Delinquency – Shutoff – Liens.
46.10.260	Collections.
46.10.270	Tampering with water system.
	Pollution of water supply.
	Hindering water Master.
	Penalties, general.
	Penalty, violation during fire.
	Water shutoff for violation.
	Turn-on charge.
	Wells.
	Classification.

At the adoption of the ordinance codified in this section, there shall be no new wells for domestic water or irrigation purposes established in the corporate city limits of Shaniko. [Ord.# Date .]

46.10.010 Duties of water master and/or assistant.

It shall be the duty of the water superintendent to attend to the pumping plant, machinery and distributing system of the city water works, and to superintend the tapping of the city water mains and the installation of water connections and to read meters and report all meter readings to the city recorder, and to send water samples to the State Public Health Division as required by state regulations; and to perform such other duties as the city council may from time to time require. [Ord. # date .]

46.10.020 Records.

The city recorder shall keep a correct record of all water system users and a correct account of charges and payments between the city and each person served by the city water system. [Ord. # date .]

46.10.030 Application for service.

Application for the installation or alteration of a service connection from the city water system shall be made at the office of the city recorder. [Ord. # .]

46.10.040 Connection charge.

Connections to mains may be obtained by petition to the city council accompanied by the hook-up fee as established by resolution of the city council. Petitioner must furnish a license/bonded plumber for this installation with proper permitting from the county. The hook-up fee will remain. [Ord. # date.]

46.10.050 Connection to city mains.

No connection to or disconnection from the city mains or alteration in this portion of the service shall be made by any person without permission from water superintendent or a duly authorized individual. [Ord. # date .]

46.10.060 Service lines.

The service line between the building and the meter shall be constructed and maintained by and at the expense of the water system user or other person(s) responsible for the property, who shall protect such service line from freezing and who shall be responsible for all damages resulting from leaks or breaks in such line. All service lines shall conform to the plumbing regulations of this City, County, and of the state of Oregon Codes. [Ord. # Date .]

46.10.070 Separate service.

Whenever a service connection supplies more than one building or premises, all subsidiary service connections must, wherever physically possible, be arranged so that the supply to each separate building or premises may be controlled by a separate stopcock. Hereafter, in new construction, whenever physically possible, each unit served shall have a separate service connection. [Ord.# date .]

46.10.080 Unauthorized turn-on.

No water from the city water supply shall be turned on for service into any premises by any person but the water superintendent or a duly authorized city employee. A fee will be charged for any unauthorized turn-on[After the water has been shut off by the city, if it should be turned on by any person but the water superintendent or a duly authorized employee, it will be disconnected and it will not be reconnected until the cost of disconnecting and reconnecting in addition to all charges and arrearages due have been paid. [Ord.# date .]

46.10.090 Application for turn-on.

Application to have water turned on shall be made in writing to the city recorder by the water system user to be served and shall contain an agreement by the applicant to abide by and accept all the provisions of this chapter as conditions governing the use of the city water supply by the applicant. [Ord. # date .]

46.10.100 Resale of water.

No water shall be resold or distributed by the recipient thereof from the city supply to any premises other than those for which application has been made.
[Ord.# date .]

46.10.110 Multiple service.

Where water is supplied through one service connection to several water system users in separate buildings or to several separate tenants in a multiple-unit building, each such separate water system user shall apply for water service and shall pay the minimum rate per month. The City, at its discretion, may decline to furnish water until separate service connections are provided for each separate water system user. [Ord. # date .]

46.10.120 Defective faucets or fixtures, or wasting of water

Water will not be furnished where there are leaky or defective faucets, closets, or other fixtures, or where there are closets or urinals without self-closing valves, or tanks without self-closing float valves, leaving cocks on, filling tanks over 100 gal. watering in heat of the day and when such may be discovered, the water may be shut off and a fee charged as to 46.10.220 [Ord. # date .]

46.10.130 Right of access.

The water Master and members of the City may have free access at reasonable hours of the day to all parts of buildings and premises for the purpose of inspecting the conditions of the pipes and fixtures in the case of a emergency such as a broken pipe, for the purpose of preventing damage or excess water loss. [Ord. # date .]

46.10.140 Discontinuance of water service.

(1) Whenever any city water system user wishes to have their water service discontinued for a period of not less than 30 days, the user shall apply in writing to the city recorder and pay their account balance in full. Water service will be turned off and

turned on again at no charge to the user and any unbilled charges for water service will be prorated, based upon the actual days of service provided during the billing cycle.

(2) In the event a city water system user wishes to have their water service discontinued for a period of less than 30 days, the user shall apply in writing to the city recorder, pay their account balance in full and pay a disconnection charge. Any unbilled charges for sewer service will be prorated, based upon the actual days of service provided during the billing cycle. A reconnection charge must be paid before service will be resumed.

(3) Water service will not be discontinued without written notice and receipt of payment as prescribed in this section. [Ord. # date .]

46.10.150 Temporary discontinuance.

The water may be shut off from the mains without notice for repairs and other necessary purposes, and the city will not be responsible for any consequent damages; but whenever it is practical in such cases the water master shall give at least 12 hours' notice before the water is shut off from the mains. [Ord. # date .]

46.10.160 Water use charges.

Charges for water used and SDC's (System Development Charges) shall be as established by the city council by resolution. Payments made will be applied to past due owed, fines, and unpaid charges before present, or new charges. [Ord. # date .]

46.10.170 Delinquency – Shutoff – Liens.

(1) Charges shall be due and payable at the office of the city recorder on or before the first day of each month.

(2) Unpaid water system service charges due from users of the water system shall become delinquent 30 days from the date of mailing or delivery of notice thereof and shall be subject to a delinquency charge as established by city council resolution.

(3) If such charges are not paid within 40 days of the due dates thereof, the city, at its option, and after due notice to the user may discontinue water services to the premises served. Water shall not be returned to service until the user pays their account balance in full and pays disconnection and reconnection charges as established by city council resolution. Upon receipt of these payments, the user's water service will be restored by the city during regular working hours. Written notice of discontinuing water service for nonpayment of charges will be given to the user by regular mail, or by posting a notice on the premises at least 10 days in advance of the shutoff. The notice will state that if the charges are disputed, the water system

user may request an informal conference with the mayor or his/her designee to discuss the charges. Such request must be received no later than two days prior to the scheduled shutoff date.

(4) The city may require security (cash) deposits prior to providing, or to continue providing, water service to any user. The amount of the security deposit may not be less than two months minimum billing charges. In lieu of a deposit, the city may accept a signed agreement from the property owner (whether the user or not) stating that they will be ultimately liable for any and all charges for services provided to the premises, and that the city may use a lien as one method for securing payment if the charges are not paid. However, the city may not require a property owner to sign such an agreement. If the property owner elects to authorize the use of a lien on real property to secure payment of charges in lieu of a security deposit, all water charges shall be a lien against the premises served from and after the date of billing. The entry of charges on the city's ledgers or other records pertaining to its lien shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for services remains unpaid, the lien hereby created may be foreclosed in the manner provided for by ORS [223.505](#) to [223.650](#), or in any other manner provided by law or city ordinance. Such lien and delinquent water charges and fees shall draw interest at the rate of eight percent per annum until paid. [Ord. # date .]

46.10.180 Collections.

The city may use such means of collection of water liens, rates, charges, or connection fees as are provided by the laws of the state of Oregon or as are authorized by the charter or city ordinances. The city may also use an action at law in the name of the city for collection of water liens, rates, charges, or connection fees. [Ord. # date .]

46.10.190 Tampering with water system, and Theft of water.

It shall be unlawful for any person not authorized by the water superintendent to tamper with, alter or injure any part of the city pumping plant, machinery, distributing system, or any meter. No unauthorized use of Hydrants, Blow-Offs, or City Cocks. Fines can be imposed per 46.10.220. State and Federal Punitive and Criminal Charges may apply [Ord. # date .]

46.10.200 Pollution of water supply.

It shall be unlawful for any person to throw, place or deposit any article or substance in or near the city water supply system whereby the water therein may be obstructed or rendered impure. State and Federal Punitive and Criminal Charges may apply [Ord. # date .]

46.10.210 Hindering water master.

It shall be unlawful for any person to hinder, interfere with or obstruct the water master or assistant to the water master in the performance of their duties. A \$1,000.00 Fine can be imposed by the City. State and Federal Punitive and Criminal Charges may apply. Ord. # date .]

46.10.220 Penalties, general.

Any person violating any of the foregoing provisions of this chapter shall, have a fine of not less than \$250.00, or more than \$1000.00. State and Federal Punitive and Criminal Charges may apply. [Ord. # date .]

46.10.230 Penalty, violation during fire.

All faucets to be turned off during fire except by order of the fire chief. Violation of this section punishable by fine of not less than \$250.00 or more than 5250.00. [Ord. # date .]

46.10.240 Water shutoff for violation.

If any person fails to comply with the rules and regulations for the use of the city water supply set out in this chapter, the water may be shut off from the premises. In such case, the water shall not be turned on again until such person complies with the rules and regulations of this chapter and until all charges and arrearages due have been paid. Per Resolution [Ord. # date .]

46.10.250 Turn-on charge.

A charge as established by city council by resolution, payable in advance, shall be made for turning on the water in all cases where turn-off was required because of failure to comply with the provisions of this chapter. [Ord. # date .]

46.10.260 Wells.

No new wells can be drilled or used within the city limits. Existing well use must have permission in writing approved by city council.

46.10.270 Classification.

The city council determines that the charges imposed by this chapter are not taxes subject to the property tax limitations of Article [XI](#), Section [11\(b\)](#) of the Oregon Constitution. [Ord. 211 § 29, 1993.]

The Shaniko Municipal Code is current through Ordinance #_46___, passed
Date _____ Day of _____ 2023

Disclaimer: City Hall has the official version of the Shaniko Municipal Code. Users should contact City Hall for ordinances passed subsequent to the ordinance cited above

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The Shaniko Municipal Code is current through Ordinance # 46, passed
Date 13 Day of February 2023

Disclaimer: City Hall has the official version of the Shaniko Municipal Code. Users should contact City Hall for ordinances passed subsequent to the ordinance cited above

AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

Be it ordained by the common council of the City of Shaniko:

Section 1. Definitions.

(1) Person. A natural person, firm, partnership, association or corporation.

(2) Person in charge of property. An agent, occupant, lessee, contract purchaser or other person having possession or control of property or the supervision of any construction project.

(3) Person responsible. The person responsible for abating a nuisance shall include:

(a) The owner.

(b) The person in charge of property, as defined in Subsection (2).

(c) The person who caused to come into or continue in existence a nuisance as defined in this ordinance or another ordinance of this city.

(4) Public place. A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

Animals

Section 2. Dangerous Animals. No owner or person in charge of an animal shall permit an animal which is dangerous to the public health or safety to be exposed in public. If the animal is exposed in public, it may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs; except that before the animal is released by the city the municipal judge must find that proper precautions will be taken to insure the public health and safety.

Section 3. Removal of Carcasses. No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.

Section 4. Animals or Fowl at Large. Except for household pets, no owner or person in charge of an animal or fowl shall permit the animal or fowl to be at large. Animals or fowls at large may be taken into custody by the town and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs.

(Sections 5 to 10 reserved for expansion.)

Nuisances Affecting Public Health

Section 11. Nuisances Affecting Public Health. No person shall

cause or permit on property owned or controlled by him a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this ordinance.

(1) Privies. Open vaults or privies constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the Health Division regulations.

(2) Debris. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the city.

(3) Stagnant water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.

(4) Water pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

(5) Food. Decayed or unwholesome food which is offered for human consumption.

(6) Odor. Premises which are in such a state or condition as to cause an offensive odor, or which are in an unsanitary condition.

(7) Surface drainage. Drainage of liquid wastes from private premises.

(8) Cesspools. Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.

(9) Slaughterhouses, etc. Slaughterhouses, tanneries or pigsties.

(Sections 12 to 14 reserved for expansion.)

Nuisances Affecting Public Safety

Section 15. Creating a Hazard. No person shall create a hazard by maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside.

Section 16. Attractive Nuisances.

(1) No owner or person in charge of property shall permit thereon:

(a) Unguarded machinery, equipment or other devices which are attractive, dangerous and accessible to children.

(b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.

(c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.

(2) This section shall not apply to authorized construction

projects with reasonable safeguards to prevent injury or death to playing children.

Section 17. Snow and Ice. No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk shall permit:

(1) Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.

(2) Ice to remain on the sidewalk for more than two hours of daylight after the ice has formed unless the ice is covered with sand, ashes or other suitable material to assure safe travel.

Section 18. Noxious Vegetation. No owner or person in charge of property shall permit weeds or other noxious vegetation to grow upon his property. It shall be the duty of an owner or person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes, 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 from going to seed.

Section 19. Scattering Rubbish. No person shall deposit upon public or private property any kind of rubbish, trash, 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 would be likely to injure a person, animal or vehicle traveling upon a public way.

Section 20. Trees.

(1) No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and no less than 10 feet above the roadway.

(2) No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

Section 21. Fences.

(1) No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet, six inches high.

(2) No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

Section 22. Surface Waters, Drainage.

(1) no owner or person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

(2) The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.

(Sections 23 to 30 reserved for expansion.)

Nuisances Affecting Public Peace

Section 31. Radio and Television Interference.

(1) 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.

(2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

Section 32. Junk.

(1) No person shall keep any junk outdoors on any street, lot or premises, or in a building that is not wholly or entirely enclosed, except doors used for ingress and egress.

(2) The term "junk" as used in this section includes all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or parts thereof, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material.

(3) This section shall not apply to junk kept in a duly licensed junk yard or automobile wrecking house.

(Sections 33 to 44 reserved for expansion.)

Unenumerated Nuisances

Section 45. Unenumerated Nuisances.

(1) The acts, conditions or objects specifically enumerated and defined in Sections 2 to 44 are declared public nuisances; and such acts, conditions or objects may be abated by any of the procedures set forth in Sections 46 to 51 of this ordinance.

(2) In addition to the nuisances specifically enumerated within this ordinance, every other thing, substance or act which is determined by the council to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and may be abated as provided in this ordinance.

Abatement Procedure

Section 46. Notice.

(1) Upon determination by the council that a nuisance exists, the council 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 recorder shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person responsible at his 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 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 failure to abate a nuisance may warrant imposition of a fine or jail sentence.

(f) A statement that the person responsible may protest the order to abate by giving notice to the recorder within 10 days from the date of the notice.

(4) Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting, respectively.

(5) 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.

Section 47. Abatement by the Person Responsible.

(1) Within 10 days after the posting and mailing of such notice, as provided in Section 46, the person responsible shall remove the nuisance or show that no nuisance exists.

(2) A person responsible, protesting that no nuisance exists, shall file with the recorder a written statement which shall specify the basis for so protesting.

(3) The statement shall be referred to the city council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council; and the council shall determine whether or not 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 those cases where a written statement has been filed as provided.

(4) If the council determines that a nuisance does in fact exist, the person responsible shall, within 10 days after the council determination, abate the nuisance.

Section 48. Joint Responsibility. If more than one person is a person

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 49. Abatement by the City.

(1) If, within the time allowed, the nuisance has not been abated by the person responsible, the council may cause the nuisance to be abated.

(2) The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

(3) The recorder shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include therein a charge of \$10.00 or 10 per cent of those expenses (whichever is the greater) for administrative overhead.

Section 50. Assessment of Costs.

(1) The recorder, by registered or certified mail, postage prepaid, shall forward to the person responsible a notice stating:

(a) The total cost of abatement, including the administrative overhead.

(b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

(c) That if the person responsible objects to the cost of the abatement as indicated, he may file a notice of objection with the recorder not more than 10 days from the date of the notice.

(2) Upon the expiration of 10 days after the date of the notice, the council, in the regular course of business, shall hear and determine the objections to the costs assessed.

(3) 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 determined by the council, shall be made by resolution and shall thereupon be entered in the docket of city liens; and upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 7 per cent per annum. The interest shall commence to run from the date of the entry of the lien in the lien docket.

(5) An error in the name of the person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void; but it shall remain a valid lien against the property.

General

Section 51. Summary Abatement. The procedure provided by this

ordinance is not exclusive but is in addition to procedure provided by other ordinances; and the chief of the fire department, the marshal, or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.

Section 52. Penalties. A person violating a provision of this ordinance or an order issued under authority of this ordinance shall, upon conviction shall be fined not to exceed \$500.00.

Section 53. Separate Violations.

(1) Each day's violation of a provision of this ordinance constitutes a separate offense.

(2) 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 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 any fine under Section 52 of this ordinance.

Section 54. Severability. The sections and subsections of this ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections and subsections.

Section 55. Emergency Clause. Inasmuch as there is need to immediately provide for the abatement of nuisances in the City of Shaniko, and it is the duty of the Council to maintain the peace, health and safety of the City of Shaniko and its citizens, an emergency is hereby declared to exist and this Ordinance shall go into full force and effect immediately upon its passage by the Council and approval by the Mayor.

Adopted by the council of Shaniko, Oregon, this 17 day of September, 1977, by the following vote:

Yeas ~~3~~ 4

Nays - 1 Council member gone 1 nay

Submitted to the Mayor Sept. 17, 1977

Approved by the Mayor Sept. 17, 1977.

Mrs. Julia Robinson
Mayor

ATTEST:

Connie Harris
Recorder

City of Shaniko
P.O. Box 17
Shaniko, OR 97057

September 22, 2015

OLCC, Marijuana Division

9079 SE McLoughlin Blvd.

Portland, OR 97222-2335

RE: Ban on Marijuana Production, Processing and Sales in Shaniko, Oregon

Please find enclosed the Ordinances passed at the last council meeting banning marijuana production, processing and sales in our small town. These were produced in accordance with guidelines offered by the League of Oregon Cities.

We understand that this is a temporary ban and that the issue must be referred to voters in next year's election. A resolution referring the matter to a vote is in process.

We have also included the Marijuana Local Option Opt-Out Form from your website although this may not apply to our situation as the county had a less than 55% no vote.

In any case, we expect that this will preclude the issuing of any licenses involving commercial marijuana in our city. To our knowledge there are no licenses issued at this time.

If there are any questions or corrections, please contact the City Recorder at shanikorecorder@gmail.com or 541 489 3226.

Sincerely,



Goldie Roberts, Mayor and Susan Paterson, City Recorder

City of Shaniko
P.O. Box 17
Shaniko, OR 97057

September 22, 2015

Oregon Health Authority
500 Summer St. NE E-20
Salem, OR 99301-1097

RE: Ban on Medical Marijuana Dispensaries, Marijuana Production, Processing and Sales
in Shaniko, Oregon

Please find enclosed the Ordinances passed at the last council meeting banning medical marijuana dispensaries, marijuana production, processing and sales in our small town. These were produced in accordance with guidelines offered by the League of Oregon Cities.

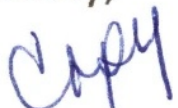
We understand that this is a temporary ban and that the issue must be referred to voters in next year's election. A resolution referring the matter to a vote is in process.

We were advised that there was an online form for your agency to be completed with respect to this action, but we were not able to find one. An e-mail request solicited no response.

In any case, we expect that this will preclude the issuing of any licenses involving medical marijuana dispensaries in our city. To our knowledge, there are no dispensaries licensed at this time.

If there are any questions or corrections, please contact the City Recorder at shanikorecorder@gmail.com or 541 489 3226.

Sincerely,



Goldie Roberts, Mayor and Susan Paterson, City Recorder

CITY OF SHANIKO

ORDINANCE 2015-3

AN ORDINANCE TO SUSPEND LICENSING OF BUSINESSES INVOLVING MARIJUANA

Whereas, the legal issues concerning the use of marijuana are still unresolved between the State and Federal laws, and

Whereas, the City of Shaniko has no adequate enforcement method for overseeing businesses engaged in the production, distribution, or sale of marijuana or derived products as currently defined by the State,

The City of Shaniko is suspending the licensing of any businesses involved in the production, distribution, or sale of marijuana for the current fiscal year 2015-2016,

THEREFORE, it is hereby ORDAINED that the City Recorder shall not issue any licenses which may be known to involve the use of marijuana production, distribution or sales, directly or indirectly.

EMERGENCY. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on passage.

Adopted by the City Council of Shaniko, Oregon, this 14th day of September, 2015, by the following vote:

Ayes 5

Nays

Absent 1

Approved by the Mayor, 9-14, 2015 Attested to by:

Goldie Roberts

Susan Paterson

Goldie Roberts, Mayor of Shaniko

Susan Paterson, City Recorder

CITY OF SHANIKO

ORDINANCE 2015-1

**AN ORDINANCE OF THE CITY OF SHANIKO DECLARING A BAN ON THE SALE OF
RECREATIONAL MARIJUANA BY MEDICAL MARIJUANA DISPENSARIES AND
DECLARING AN EMERGENCY**

Whereas, the Oregon Medical Marijuana Act created a system for the transfer of medical marijuana between growers and patients and caregivers through medical marijuana dispensaries;

Whereas, the voters adopted Measure 91 in November 2014, which provides criminal immunity for people aged 21 or older who possess certain amounts of marijuana and directs the Oregon Liquor Control Commission to license the retail sale of marijuana;

Whereas, the Oregon Liquor Control Commission has not yet licensed the retail sale of recreational marijuana;

Whereas, the Legislature enacted Senate Bill 460 (2015) to allow medical marijuana dispensaries to sell limited marijuana retail product starting October 1, 2015;

Whereas, Senate Bill 460 (2015) provides that a city may adopt ordinances prohibiting the sale of limited marijuana retail product from medical marijuana dispensaries;

Whereas, the City Council wants to prohibit the sale of marijuana retail products from medical marijuana dispensaries in the city to protect and benefit the public health, safety and welfare of existing and future residents and businesses in the city;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHANIKO ORDAINS AS FOLLOWS:

BAN DECLARED. The City of Shaniko hereby prohibits the sale of limited marijuana retail product in any area subject to the jurisdiction of the City of Shaniko as described in section 2 of Senate Bill 460 (2015).

DURATION OF BAN. The ban imposed by this ordinance will be effective until December 31, 2016, or until the Legislature ends sales of limited marijuana retail product by medical marijuana dispensaries, whichever comes later.

ENFORCEMENT. A civil fine of \$100 per sale will be imposed. Unpaid fines will be pursued through small claims suit.

EMERGENCY. Time is of the essence and this ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on passage.

Adopted by the City Council of Shaniko, Oregon, this 14th day of September, 2015, by the following vote:

Ayes 5

Nays

Absent 1

Approved by the Mayor, 9-14, 2015

Goldie Roberts

Goldie Roberts, Mayor of Shaniko

Attested by Susan Paterson 9/14/15

Susan Paterson, Shaniko City Recorder

ORDINANCE NO. 6-78-C

CITY OF SHANIKO SUBDIVISION ORDINANCE
WASCO COUNTY, OREGON

The preparation of this ordinance was financially aided through a federal grant from the Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

Prepared For:

Shaniko City Council

Prepared By:

Mid-Columbia Economic Development District

John Forland, Executive Director

Daniel Durow, Land Use Planner

SHANIKO SUBDIVISION ORDINANCE

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ORDINANCE NO. 6-78-C

SHANIKO SUBDIVISION ORDINANCE

AN ORDINANCE OF THE CITY OF SHANIKO, OREGON; ESTABLISHING A SUBDIVISION ORDINANCE TO ASSURE THE ORDERLY DEVELOPMENT OF SAID CITY; ESTABLISHING RULES AND REGULATIONS THEREFORE; PROVIDING FOR PENALTIES OR VIOLATIONS THEREOF; AND DECLARING AN EMERGENCY.

The City of Shaniko, Wasco County, Oregon, ordains as follows:

General Provisions

Section 1. Title. This ordinance shall be known as the "sub-division ordinance" of the City of Shaniko, Oregon.

Section 2. Purpose. The purpose of this ordinance is to enact subdivision regulations for the City which will provide for better living conditions within new subdivisions; assure necessary streets, utilities, and public areas and provide for their installation or improvement; enhance and secure property values in subdivisions and adjacent land; simplify and make land descriptions more certain; implement the comprehensive land use plan; and, in general, to promote the health, safety, convenience, and general welfare of the people of Shaniko.

Section 3. Compliance Required. It shall be unlawful for any person to create any street or way for the purpose of partitioning land; or to dispose of, transfer, sell, or agree to offer to sell any lot or parcel of land if the same constitutes or is part of a process of subdivision or minor land partition as defined in Section 4, or if the sale, transfer, or offer is made by reference to or exhibition of a plat or plan of a subdivision; unless all the requirements of Sections 1 to 38 with regard to such subdivision or minor land partition, or the creation of such street or way, have been complied with. In the event of an unlawful subdivision or partitioning contrary to this section, each day during which the subdivider thereafter fails to bring the subdivision into total compliance with this Ordinance shall be deemed a separate offense punishable by fine not exceeding \$500.00.

Section 4. Definitions. As used in Sections 1 to 38, unless the context otherwise requires, the following words and phrases shall mean:

- (1) Access or Access Way. The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property.
- (2) Alley. A public way, permanently dedicated or reserved as a secondary means of access to abutting property.
- (3) Block. A contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.
- (4) Building Line. A dashed line on a plat restricting the location of buildings or structures or that distance as prescribed by the zoning ordinance, when applicable.
- (5) City. The City of Shaniko, a municipal corporation of the State of Oregon, where the provisions involve a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context or, where the context does not clearly indicate a specific officer, department, or agency, then the city administrator of said City.
- (6) City Administrator. The duly elected Mayor of the City of Shaniko or a person designated by the Mayor or the City Council to fulfill his obligations as set forth in this ordinance.
- (7) Comprehensive Plan. A plan adopted by the City Council providing the objectives and policy guidelines for the growth and development of the City, including amendments thereto.
- (8) Contiguous Land. Two or more parcels or units of land including water under a single ownership which are not separated by an intervening parcel of land under separate ownership including limited access right-of-way which would deny access between the two parcels under single ownership.
- (9) Curb Line. The line dividing the roadway from a planting strip or footway.
- (10) Design. The design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

- (11) Easement. A grant of the right to use a strip of land for specific purposes.
- (12) Engineer: The duly appointed engineer of the City of Shaniko.
- (13) Legal Description. The method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.
- (14) Lot. A single parcel of land for which a legal description is filed on record or the boundaries of which are shown on the subdivision plat filed in the office of the Wasco County Clerk. The term "lot" shall include a part of a single parcel of land when such part is used as a separate lot for all purposes and under all requirements of this ordinance: Except for the parcel of land on which condominium structures are placed, the term "lot" does not include condominium as used under ORS 91.505 through 91.675 "Unit Ownership Law".
- (15) Lot Area. The total horizontal net area within the lot lines of a lot.
- (16) Lot, Corner. A lot situated at the intersection of two (2) or more streets.
- (17) Lot Depth. The depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.
- (18) Lot, Double Frontage. An interior lot having frontage on and with access on two (2) parallel or approximately parallel streets.
- (19) Lot, Interior. A lot other than a corner lot or reverse corner lot.
- (20) Lot, Key. The first lot to the rear of a reversed corner whether or not separated by an alley.
- (21) Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.
- (22) Lot Line, Rear. A lot line which is opposite and most distant from the front lot line.
- (23) Lot Line, Side. Any lot boundary line not a front line or a rear lot line.

- (24) Lot, Reverse Corner. A corner lot which rears upon the side yard of another lot.
- (25) Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- (26) Major Partition. To partition a parcel of land into two (2) or three (3) parcels which includes the creation of a road or street.
- (27) Minor Partition. To partition a parcel of land into two (2) or three (3) parcels that does not include the creation of a road or street.
- (28) Minimum Road Standard. That standard which must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the City.
- (29) Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is now located.
- (30) Owner. The individual, firm, association, syndicate, partnership, or coporation having sufficient proprietary interest in the land sought to be subdivided or partitioned to commence and maintain proceedings to subdivide or partition the same under this ordinance.
- (31) Official Map. The Comprehensive Plan Map as adopted by the City Council for the City of Shaniko.
- (32) Partition Land. To divide an area or tract of land into two (2) or three (3) parcels when such area or tract exists as a unit of contiguous land under a single ownership. "Partition land" does not include division of land resulting from creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot or parcel size established by applicable zoning ordinance.
- (33) Parking Space. A rectangular area not less than 20 feet long and 8.5 feet wide, together with maneuvering and access space required for a standard American automobile to park within the rectangle.
- (34) Parcel. A tract of land as created by a partitioning of land.

- (35) Pedestrian Way. A right-of-way for pedestrian traffic.
- (36) Plat. A map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition as specified by this ordinance.
- (37) Right-of-way. The area between the boundary lines of an alley, easement, street, or highway.
- (38) Roadway. The portions of the right-of-way of a street or highway developed for vehicular traffic.
- (39) Sidewalk. A pedestrian walkway with permanent surfacing.
- (40) Street. A public way for sidewalk, roadway, and utility installations, being the entire width from lot line to lot line and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.
- A. Alley: A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.
 - B. Cul-de-sac (dead end street): A short street having one end open to traffic and being terminated by a vehicle turn-around.
 - C. Half-street: The dedication of a portion only half of the width of a street, usually along the edge of a subdivision, where the remaining portion of a street has been or could later be dedicated in another subdivision.
 - D. Local street: A street used primarily for access to abutting properties.
 - E. Major street: A street used primarily for through traffic.
 - F. Secondary street: A street used to some extent for through traffic and to some extent for access to abutting properties.
- (41) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts wired together in some manner and which requires location on the ground or which is attached to something having a location on the ground.
- (42) Subdivide Land. To divide an area or tract of land into four (4) or more lots when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of this ordinance.

- (43) Subdivider. Any person, firm, corporation, partnership or association who cause the land to be divided into a subdivision as defined herein.
- (44) Tentative Plat of Map. Initial diagram of a proposed subdivision or partition.

Subdivision of Land

Subdivision Map - Tentative

Section 5. Initial Submission. Ten copies of a tentative map and a statement of any proposed subdivision shall be submitted to the city administrator at least 15 days prior to the meeting of the City Council at which consideration is desired, together with a fee of \$100.00 and \$5.00 for every lot over 20 lots.

Section 6. Preliminary Review.

- (1) The city administrator shall transmit one copy of the tentative map to the engineer, and additional copies to the city departments and other public officials as he deems necessary. Each city department, upon receipt of a copy of the tentative map, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within six days after receipt thereof, shall make a written report to the city administrator. The city administrator shall prepare a report on the plat for submission to the City Council. The report shall include information on zoning in the area and on the location in the adjoining streets and property of existing sewers and water mains, culverts, and drain pipes, electric conduits, or lines proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections together with any other data as appears pertinent to the City Council's review of the plat.
- (2) Copies of the tentative map shall be submitted to the following additional officials, and they will be given at least seven days to review the plan and submit comments:
 - (a) The county surveyor and the county assessor.
 - (b) The county health department, if the property is inside the city and the installation of sanitary sewer is not contemplated, or if there is other indication of possible sanitation problems.
 - (c) The state highway department, if the property is adjacent to a state highway.
 - (d) The school district, if there is indication of school district interest in property development in the area.

Section 7. Tentative Map Scale. Tentative maps shall be to a scale of 1 inch equals 100 feet or better; except tracts over 100 acres, which may be to a scale of 1 inch equals 200 feet, and shall be clearly and legibly reproduced.

Section 8. Information on Tentative Map. The tentative map shall contain the following information:

- (1) The proposed subdivision's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision.
- (2) Name and address of record owner or owners of the proposed subdivision.
- (3) Name and address of the subdivider.
- (4) Name, business address, and number of the registered engineer or licensed surveyor who prepared the map of the proposed subdivision.
- (5) The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
- (6) Names of the record owners of all contiguous land.
- (7) The approximate location and character of all existing and proposed easements and public utility facilities, except water and sewer lines in the subdivision or adjacent thereto.
- (8) Approximate lot layout and approximate dimensions of each lot and each to be numbered.
- (9) Setback lines, if any, proposed by the subdivider.
- (10) The outline of any existing buildings and their use, showing those which will remain.
- (11) Contour lines where the data is made available by the City.
- (12) City boundary lines crossing or bounding the subdivision.
- (13) Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all water-courses.
- (14) Any areas proposed to be cut or filled or otherwise graded or protected from flooding.

- (15) If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads, watercourses, and cliffs.

Section 9. Information in Statement. The statement to accompany the map shall contain the following information:

- (1) A general explanation of the improvements and public utilities, including water supply and sewage disposal, proposed to be installed.
- (2) Deviations from subdivision ordinance, if any.
- (3) Public areas proposed, if any.
- (4) Tree planting proposed, if any.
- (5) A preliminary draft of restrictive covenants proposed, if any.

Section 10. City Council Approval of Tentative Subdivision Map. The City Council shall determine whether the tentative map is in conformity with the provisions of law and of Sections 1 to 38. A public hearing conducted by the City Council to approve, conditionally approve, or disapprove the proposed subdivision plan shall be held not later than 45 days from the first regular City Council meeting following submission of the plat. Approval of the tentative map shall indicate the City Council's approval of the final plat, provided there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of Sections 1 to 38. The action of the City Council shall be noted on three copies of the tentative map. One copy shall be returned to the subdivider, one shall be transmitted to the engineer, and the other retained by the city administrator together with a memorandum setting forth the action of the City Council.

Subdivision Map - Final

Section 11. Submission of Final Map. The subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. A tracing and five blue-line or black-line prints of the final map shall be submitted to the city administrator, together with a fee of \$50.00 within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon statutes. An extension of time for filing of the final map may be granted by the City Council, provided written application is made by the subdivider within one year after action on the tentative map.

Section 12. Supplemental Data. At the time of the submission of the final map, the subdivider shall also submit the following:

- (1) A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:
 - (a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
 - (b) The computation of all distances, angles, and courses shown on the final map.
 - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
 - (d) Coordinates of all block corners and all street center points.
- (3) A copy of any deed restrictions applicable to the subdivision.

Section 13. Form of Final Map. The final subdivision map shall be prepared in accordance with the provisions of Sections 1 to 38 and state laws, including but not limited to ORS 92.080. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.

Section 14. Information on Final Map. The final map shall, in addition to other information required by law, show the following:

- (1) The date, scale, north point (generally pointing up), legend, and controlling topography (i.e, creeks, highways, railroads, cliffs, etc.).
- (2) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (a) All stakes, monuments, or other evidence found on the ground and used to establish the initial point of the subdivision boundary, and to otherwise determine the boundaries of the subdivision.
 - (b) Adjoining corners of all adjoining subdivisions.
 - (c) Whenever there has been established or adopted a system of coordinates, ties into this system, but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat.

- (d) Whenever the city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
 - (e) All other monuments found or established in making the survey of the subdivision, or required to be installed by the provisions of Sections 1 to 38.
- (3) Tract boundary lines, right-of-way lines, and centerlines of streets, and lot and block lines with dimensions, bearings, or deflection angles and radii, arcs, points or curvature, and tangent bearings. Tract boundary and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 foot. Error of closure shall be within the limit of 1 foot in 10,000 feet.
 - (4) The location of additional monuments, which are to be set upon completion of improvements.
 - (5) The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths of each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius and central angle. Block corner curb data to be shown separately.
 - (6) All easements clearly labeled and identified, and, if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
 - (7) Lot numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions.
 - (8) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and shall be so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
 - (9) Appropriate words, symbols, or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.

Section 15. Certifications. The following certificates shall appear on the final map as submitted. The certificates may be combined where appropriate.

- (1) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
 - (a) Rights-of-way, easements, or other interest, none of which can ripen into a fee.
 - (b) Rights-of-way, easements, or reversions which, by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision map, including land originally patented by the United States or the State of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provisions of Sections 1 to 38 without the consent of the United States or the State of Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided.
- (2) A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.
- (3) A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by his seal.
- (4) Provisions for additional certificates and acknowledgements required by law.

Section 16. Approval by Engineer. Upon receipt, the final map and other data submitted to the city administrator shall be referred to the engineer, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the tentative map as approved; that all provisions of the law and Sections 1 to 38 applicable at the time of approval of the tentative map have been complied with; and that the map is technically correct. The engineer may make checks in the field, as he may desire, to verify that the map is sufficiently correct on the ground; and he may enter the property for this purpose. If the engineer shall determine that full conformity has not been made, he shall advise the subdivider of the changes or

additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the engineer determines that full conformity has been made, he shall so certify on the map and shall transmit the map to the City Council.

Section 17. Final Approval of City Council. Upon return of the final map by the engineer, the City council shall examine the same to determine whether the map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition of its acceptance. If the City Council does not approve the map, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him an opportunity to make the same. If the City Council determines that the map conforms to all requirements, it shall approve the same; but before certifying its approval thereon, it shall require the subdivider to file the agreement and bond, or make the deposit, required in Sections 18 and 19; and when the agreement and bond have been filed and approved as prescribed, the City Council's approval shall be endorsed upon the map by execution of the appropriate certificate, as prescribed by law.

Section 18. Agreement for Improvements. Before City Council approval is certified on the final map, the subdivider shall either install required improvements or shall execute and file with the recorder-treasurer an agreement between himself and the city, specifying the period within which he or his agent or contractor shall complete all improvement work required by or pursuant to Sections 1 to 38; and, providing that if he shall fail to complete the work within the period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for reimbursement of the city by the subdivider for the cost of inspection by the engineer. The agreement may also provide for the construction of the improvements in units, for an extension of time under conditions therein specified, and for the termination of the agreement upon the completion, and proceedings under an assessment district act for the construction of improvements specified in the agreement and required to be constructed by the subdivider.

Section 19. Bond.

(1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

- (a)* A personal bond co-signed by at least one additional person, who shall not be related to the subdivider by blood or consanguinity. The subdivider and co-signer shall submit evidence of financial responsibility, and the financial resources of those signing the bond shall provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.

(b) A surety bond executed by a surety company authorized to transact business in the State of Oregon.

(c) Cash.

- (2) The assurance of full and faithful performance shall be for a sum approved by the city administrator sufficient to cover the cost of the improvements, engineering, inspection, and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision; and must be approved by the city attorney as to form.
- (3) In the event the subdivider fails to complete all improvement work in accordance with the provisions of Sections 1 to 38 and the city has to complete same, or if the subdivider fails to reimburse the city for the cost of inspection, engineering, and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvement damages in the development of the subdivision, the city shall call on the surety for reimbursement or shall appropriate from any cash deposits funds for reimbursements. In any such case, if the amount of surety bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

Section 20. Filing of Final Plat. Approval of the final plat by the city, as provided in Sections 1 to 38 shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required approving signature has been obtained.

Approval of Streets and Ways

Section 21. Creation of Streets. The creation of all streets shall be in conformance with requirements for subdivision, except the City Council may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, with any conditions as are necessary to preserve the standards established by Sections 23 to 30, provided either of the following conditions exist:

- (1) The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the dividing of land is an incidental effect rather than the primary objective of the street.
- (2) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

Section 22. Creation of Ways.

- (1) Any easement (of) way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street approved in accordance with Section 21, except that the creation of a private easement of way to be established by deed without full compliance with these regulations shall be approved by the City Council, provided the easement is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with more access. If the existing lot is large enough so that three or more parcels meeting the lot size minimums of Sections 1 to 38 may be created, and two or more of the parcels would not have frontage on an existing street, an easement of way will not be acceptable and a street must be dedicated.
- (2) The procedure for approval of allowed private easements of way shall be as provided in Section 21 (2) for streets, except the easement of way need only comply with the standards set forth in Section 21(2) and assure utility access to the resultant lot.

General Regulations and Design

Section 23, Streets.

- (1) Streets and highways conform with plans and standards. In addition to conformance with state laws and the standards provided by Sections 1 to 38, the subdivision shall conform as to design and improvements to any master plan approved by the City Council and to any proceedings affecting the subdivision which may have been initiated by the City Council or approved by the council upon initiation by other legally constituted bodies of the city, county, or state. In addition, consideration shall be given to preliminary plans developed by the city.
- (2) Street widths. Unless otherwise indicated on any master plan, or by proceedings initiated by the City Council, or approved by the City Council upon initiation by other legally constituted governmental bodies, widths shall conform with city standards except where it can be shown by the subdivider, to the satisfaction of the City Council, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant.

Approval or determination of street and area classification shall be made by the City Council, taking into consideration the zoning designations imposed by the zoning ordinance, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

- (3) Future streets. Whenever the City Council shall have determined that, in conformity with the master plan, a street is necessary for the future subdivision of the property as shown on the subdivision map, but that the present dedication and construction of such street is not warranted, the City Council may require that the location, width, and extent of such street shall be shown on the final map or on an approved map of record as a future street. Improvement of such future street may not be required of the subdivider by the City Council.
- (4) Future street extension. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision, and the resulting dead-end streets may be approved without a turnaround. Reserve strips, including street plugs, may be required to preserve the objectives of street extensions.
- (5) Service roads. When any lot fronts on a major street, the City Council may require the subdivider to dedicate a service road at the front of the lot.
- (6) Reserved strips. No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the city under conditions approved by the City Council.
- (7) Half-streets. Half-streets shall be prohibited, except they may be approved where essential to the reasonable development of the subdivision when in conformity with the other requirements of these regulations, and when the City Council finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half-streets.
- (8) Nonaccess and planting strips. When the rear or side of any lots border any major street, the City Council may require the subdivider to execute and deliver to the city an instrument deemed sufficient by the city attorney prohibiting the right of ingress and egress to the lots across the side lines of the street. When the street is a freeway, state highway, or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to the street.

- (9) Alleys. When any lots are proposed for commercial or industrial usage, alleys at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic, unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.
- (10) Private streets. The design and improvement of any private street shall be subject to all the requirements prescribed by this ordinance for public streets. The subdivider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision.
- (11) Street names. All street names shall be approved by the City Council for conformance with the established pattern and to avoid duplication and confusion.

Section 24. Utility Easements. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved, or granted by the subdivider in widths not less than five feet on each side of rear lot lines, alongside lot lines, and in planting strips wherever necessary; provided that easements of lesser width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the city.

Section 25. Lots.

- (1) The size and shape of lots shall conform to zoning regulations. Where there are unusual topographic conditions, curved or cul-de-sac streets, or other special conditions, modifications which meet the intent of the width and depth requirements may be granted by the City Council.
- (2) In areas that cannot be connected to community sewage disposal facilities, minimum lot sizes shall be greater than the minimum herein specified. The lots shall conform to the requirements of the county health department for sanitary waste disposal.
- (3) The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or radial or approximately radial if the street is curved. Provided, however, where topographic or other natural features warrant variation from this provision, the City Council may approve such variations.
- (4) Lots without frontage on a street will not be permitted.
- (5) Through lots will be permitted only where necessitated by topographic or other unusual physical conditions.

Section 26. Blocks.

- (1) Blocks shall not exceed 1,320 feet in length, except blocks adjacent to major streets.
- (2) Walkways. The subdivider may be required to dedicate and improve 10-foot walkways across blocks over 600 feet in length, or to provide access to schools, parks, or other public areas.

Section 27. Watercourses. The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural watercourse or channel, stream, or creek that traverses the subdivision; or, at the option of the subdivider, provide by dedication further and sufficient easements or construction, or both, to dispose of the surface and storm waters.

Section 28. Land for Public Purposes.

- (1) The City Council may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year; providing the city has an interest or has been advised of interest on the part of the state highway commission, school district, or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.
- (2) The City Council may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

Section 29. Unsuitable Land. The planning commission may refuse to approve a subdivision when the only practical use which can be made of the property proposed to be subdivided is a use prohibited by this Ordinance or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or state health authorities.

Section 30. Land Subject to Inundation. If any portion of any land proposed for development is subject to overflow, inundation, or flood hazard by storm waters, an adequate system of storm drains, levees, dikes, and pumping systems shall be provided.

Improvements

Section 31. Improvement Standards and Approval. In addition to other requirements, all improvements shall conform to the requirements of Sections 1 to 38 and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure:

- (1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared in accordance with requirements of the city.
- (2) Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the city has been notified.
- (3) All required improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the city.
- (4) All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- (5) A map showing all public improvements as built shall be filed with the city administrator upon completion of the improvements.

Section 32. Improvement Requirements. Improvements to be installed at the expense of the subdivider are as follows:

- (1) Streets. All streets shall be improved to city standards. The subdivider shall improve the extension of all subdivision streets to the centerline of existing streets with which subdivision streets intersect.
- (2) Structures. Structures specified as necessary by the city for drainage, access, and public safety shall be installed.
- (3) Sidewalks. Sidewalks shall be installed along both sides of each street and in pedestrian ways.
- (4) Sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot. Storm water sewers shall be installed as required by the city.

- (5) Water. Water mains and fire hydrants of design, layout, and locations approved by the city shall be installed.
- (6) Abutting streets. If any part of the property within the proposed subdivision abuts an existing dedicated street not improved to the ultimate width and other standards required for streets within subdivisions, the abutting portions of said street shall be improved to such standards by the construction of a sidewalk, curb, and gutter along the side adjacent to the subdivision and also by paving the roadway from said curb to 12 feet beyond centerline, or to such lesser distance beyond centerline as the City Council may deem necessary to provide a safe and adequate paved roadway for two-way vehicular traffic; provided, that if said street is an arterial street, or is otherwise so classified that the established policy of the city is to specially assess less than the entire cost of an improvement thereof, the City Council may reduce the paving required hereunder to such extent as appears fair and equitable.
- (7) Underground utilities. This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including, but not limited to, electricity; communications, street lighting, and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground. The City Council may waive the requirements of this section if topographic, soil, or other conditions make such underground installations unreasonable or impractical. The subdivider shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.
- (8) Street lighting. Ornamental street lighting of an approved type shall be installed on all streets at locations approved by the city.
- (9) Street name signs. All streets shall be legibly marked with street name signs, not less than two in number at each intersection, according to specifications furnished by the city.
- (10) Improvement of easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city.
- (11) Off-site street improvements. All off-site street improvements, where required, shall conform to the standards of the city.

Section 33. Monuments.

- (1) In addition to requirements of state law and other provisions of this ordinance, permanent monuments of a type approved by the city shall be set in the following locations:
 - (a) At each boundary corner of the subdivision, at the beginning and end of the property line curves, and at any other points as may be required by the city.
 - (b) At intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom.
- (2) Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- (3) Complete field notes in a form satisfactory to the city, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of Sections 1 to 38, shall be submitted to the city to be retained by the city as a permanent record.

Partitioning of Land

Section 34. Application of Regulations and Authority. The provisions of Sections 35 and 36 shall apply to major and minor partitioning.

Section 35. Major Partitioning.

- (1) Maps of record. Maps of record are required prior to land partitioning.
- (2) Optional preliminary procedure. Prior to the filing of a map of record or a tentative map, a subdivider may submit to the city administrator plans and other information concerning a proposed or contemplated development. The city administrator shall then, within 35 days, schedule a conference with the subdivider on such plans and other data and make recommendations to the subdivider as shall seem proper regarding such plans or other data, and shall recommend consultation by the subdivider with other public or private agencies as may be disclosed by the plans to be interested. This subdivision conference is an optional procedure which may be elected by the subdivider and is not required by this ordinance.

(3) Application. Any person or subdivider desiring to partition land in the City of Shaniko into two or three parcels which includes the creation of a road or streets, for the purposes of lease, sale, or recordation, either immediate or future, shall apply to the City Council for approval of said partitioning. The application for a partitioning of land shall be filed with the city administrator and shall consist of the following:

- (a) A legal description of the whole parcel proposed to be divided.
- (b) A map of the partitioning, called a map of record, as provided in Subsection 4 below. The city administrator shall determine the number of copies to be submitted.
- (c) A statement that the applicant is the owner, or so legally empowered to act for the owner of the property for which the application is filed.

(4) Form of map of record. The map of record shall show the approximate dimensions of the parcel under consideration and all other data required by this ordinance which are applicable for tentative subdivisions maps. See Sections 6 through 10 of this ordinance.

(5) Procedure.

- (a) The city administrator shall review the application as to its conformity with this ordinance and city standards, and shall transmit the application with his report to the City Council.
- (b) The City Council shall within 30 days after the filing of the map of record, conduct a public hearing to determine whether the proposed division is in conformity with law and this ordinance and meets the conditions for approval, and shall make its determination noting the same in its minutes and by endorsement on the map. Approval by the City Council of the map of record for the partitioning of land shall be tentative approval, subject to the conditions prescribed by the City Council for such approval. A final map must be submitted within one year of the tentative approval.
- (c) When, in the opinion of the City Council, it is the intent of the subdivider ultimately to subdivide his land into four or more parcels, or where the partitioning would permit such future subdivision as a natural sequence of operations, then the City Council may disapprove the partitioning and recommend further that the subdivider file a tentative map in accordance with the provisions of this ordinance dealing with subdivisions.

(6) Improvements required.

- (a) The installation of the same improvements as required for a subdivision of land shall be required for a major partitioning of land.
- (b) Where a parcel of land is partitioned into two or more lots, and where one or more of the lots so created are not subject to further division according to the zoning regulations for the district in which the lot or lots are located, and where one or more lots that remain are subject to further division or subdivision, then:
 - (1) The improvements required to be installed shall be for only those lots that are not subject to further divisions; and
 - (2) Said improvements shall be installed, or bonds or cash covering the cost of said improvements shall be deposited with the city, before any building permit may be issued for any building or structure proposed to be erected on said lot, or before any use permit may be issued for any use not requiring a building or structure.
- (c) Where a lot is divided into two or more lots, none of which is subject to further division, improvements shall be installed for all of the lots, whether built upon or not.

(7) Monuments required. The subdivider shall be required to place permanent monuments at all rear lot corners, whereas the front corner monuments may be placed at the front corners or be designated by tacks placed in the sidewalk or curb, along lines which are prolongations of the side boundaries of the property. Field notes shall be submitted to the City on standard sheets.

(8) Conditions for approval. The map of record may be approved when all of the following conditions are found:

- (a) That no parcel of land, when created, would have less than the minimum size and dimension requirements of the zone in which the parcel is located, unless a variance has been approved therefore pursuant to the provisions of the zoning ordinance.
- (b) That all parcels so created either:
 - (1) Abut upon a public street dedicated and improved to its ultimate width as established by the general plan; or
 - (2) Abut upon an existing unimproved (or less than fully improved) street right-of-way or its ultimate proposed width, as established by the general

plan, and the applicant has entered into an agreement to improve said street where it is contiguous to both the granted and remaining parcels, in accordance with city standards.

- (c) The applicant has agreed to dedicate and improve to city width and standards a street or streets which will adequately serve all parcels so created and which will conform to the general plan. No dedications or improvements shall be required in excess of those required for subdivisions. The applicant shall make any dedications required, and execute any agreements for improvements, as may be required before the application may be approved.
 - (d) That, in hilly areas, all parcels so created, having frontage on a dedicated street or private way acceptable to the City Council, not less than 30 feet in width, are provided with vehicular and pedestrian access to and from said dedicated street or private way over said frontage.
 - (e) That, in any case, all ordinances of the city existing prior to the effective date of this ordinance which established standards or conditions not in contradiction herewith, or where such conditions or provisions were governing at the time of land subdivision prior to the effective date of this ordinance, have been complied with.
- (9) Bonds. Performance bonds, or in lieu thereof, a cash bond or other form of security, as set forth in Section 20, to cover the faithful performance of the installation of improvements related to said lots, as required by the City Council, shall be made payable to the city of Shaniko; said bonds to be in an amount estimated by the city administrator to cover the full costs of the work as follows, said bonds to be posted prior to the commencement of any work.
- (a) All work required by the City Council related to the demolition, moving, altering, or conversion of any structure now on the land, either on the portion to be divided away or on the portion that remains in the present ownership.
 - (b) All surveying of the property, installation of sewers, water lines, curbs and gutters, sidewalks, paving, and other utilities required by the City Council.

Section 36. Minor Partitioning.

- (1) Maps of record. Maps of record are required prior to land partitioning.
- (2) Optional preliminary procedure. Same as set forth in Section 35(2).
- (3) Application. Same requirement as Section 35(3).
- (4) Form of map of record. Same requirement as Section 35(4).
- (5) Procedure.
 - (a) The city administrator shall review the application as to its conformity with this ordinance and city standards and shall transmit the application with his report to the City Council.
 - (b) The City Council shall, within 30 days after the filing of the map of record, determine whether the proposed division is in conformity with law and this ordinance and meets the conditions for approval, and shall make its determination noting the same in its minutes and by an endorsement on the map. Approval by the City Council of the map of record for the partitioning of land shall be final approval, subject to the conditions prescribed by the City Council for such approval. No final map need be submitted.
- (6) General regulations and design. Same as required for subdivisions, except for Section 26(2), which shall not apply.
- (7) Improvements required. Standard subdivision improvements shall be required, as set forth in Sections 31 and 32, unless a parcel of land is partitioned into two or more lots, and where one or more of the lots so created are not subject to further division according to the zoning regulations for the district in which the lot or lots are located, and where one or more lots that remain are subject to further division or subdivision, then:
 - (a) The improvements required to be installed shall be for only those lots that are not subject to further divisions; and
 - (b) Said improvements shall be installed, or bonds or cash covering the cost of said improvements shall be deposited with the city, before any building

permit may be issued for any building or structure proposed to be erected on said lot, or before any use permit may be issued for any use not requiring a building or structure.

Where a lot is divided into two or more lots, none of which is subject to further division, improvements shall be installed for all of the lots, whether built upon or not.

Variances

Section 37. Variance Application. When necessary, the City Council may authorize conditional variances to requirements and regulations of Sections 1 to 38. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the City Council shall find the following facts with respect thereto:

- (1) That there are special circumstances or conditions affecting the property.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that extraordinary hardship would result from strict compliance with these regulations.
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the vicinity in which the property is situated.

Section 38. City Council Action on Variances.

- (1) In granting variances, the City Council shall secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. The conditions that are necessary for this purpose shall be specified in granting the variance.
- (2) In granting any variance under the provisions of this section, the City Council shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The City Council shall keep such findings on file as a matter of public record.

Section 39. Severability. Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 40. (Emergency Clause). That inasmuch as it is necessary for the peace, health, safety, and welfare of the citizens of the City of Shaniko that this subdivision ordinance become effective with its adoption, the council, by its vote, declares an emergency to exist, and the ordinance to be in full force and effect upon and after its passage by the council and approval by the mayor.,

Read the first time: _____, 1978

Read the second time by title only: _____, 1978

Read the third time by title only
and passed: _____, 1978

Approved by the Mayor: _____, 1978

Mayor

ATTEST:

Recorder

MAR 21 1985

ORDINANCE NO. 6-78-B

CITY OF SHANIKO ZONING ORDINANCE
WASCO, COUNTY, OREGON

The preparation of this Ordinance was financially aided through a federal grant from the Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

Prepared for:

Shaniko City Council

By:

Mid-Columbia Economic Development District

John Forland, Executive Director

Daniel Durow, Land Use Planner

May, 1978

SHANIKO ZONING ORDINANCE

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SHANIKO ZONING ORDINANCE

AN ORDINANCE REPLACING THE TEXT OF ORDINANCE NO. 33 CITY OF SHANIKO ZONING ORDINANCE, WASCO COUNTY, OREGON.

The City of Shaniko does hereby Ordain as Follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.1 - Title. This ordinance shall be known as the City of Shaniko Zoning Ordinance, 1978.

Section 1.2 - Purpose.

- (1) To implement the Shaniko Comprehensive Plan as adopted by the Shaniko City Council.
- (2) To comply with ORS Chapter 197.
- (3) To promote the public health, safety, welfare, and historical value of the City of Shaniko.
- (4) To repeal and replace ordinance No. 33.

Section 1.3 - Definitions. As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

- (1) Access. The way or means by which pedestrians and vehicles enter and leave property which is commonly open to use by the public.
- (2) Accessory use or accessory structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (3) Alley. A street which affords only a secondary means of access to the property.
- (4) Automobile wrecking yard. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.

- (5) Apartment. A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.
- (6) Building. A structure or mobile home unit built for the support, shelter or the enclosure of persons, animals, chattels or property of any kind.
- (7) Church. A building or edifice used primarily for religious worship.
- (8) City. City of Shaniko.
- (9) City Council. Shaniko City Council.
- (10) Contiguous land. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way) which would deny access between the two parcels under single ownership.
- (11) Duplex. A building containing two dwelling units designed for occupancy by two families.
- (12) Dwelling. A detached building for and occupied exclusively by one family, including mobile homes.
- (13) Family. An individual or two or more persons related by blood, marriage or legal adoption or legal guardianship, living together in a dwelling unit. Meals or lodging may also be provided for not more than four additional persons who need not be related by blood, marriage, adoption or legal guardianship living in a dwelling unit.
- (14) Farm use. The current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by poultry, fur-bearing animals, or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, excluding feedlots. It includes the preparation and storage of products raised on such land for man's use and animal use and disposal by marketing or otherwise.
- (15) Home occupation. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, provided:

- A. There is no more than one additional person employed other than the resident of the dwelling, and
 - B. The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.
- (16) Industrial. The making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.
 - (17) Lot. A parcel or tract of land.
 - (18) Lot area. The total area of the lot measured in the horizontal plane within the lot boundary lines.
 - (19) Lot depth. The average horizontal distance between the front lot line and the rear lot line.
 - (20) Lot line, front. The line on the lot facing the street from which the access to the lot is commonly made.
 - (21) Lot width. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
 - (22) Mobile home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking or plumbing facilities, is intended or used for human occupancy, including structural additions, whether or not it is being used for residential purposes. Any such structure or vehicle shall be deemed a "mobile home" whether or not the wheels have been removed therefrom. The term "mobile home" does not apply to those factory built homes that have a continuous width of twenty feet or more and are the result of the combination of joining at the time placed on the property of two or more sections, to which wheels may be attached for the purpose of moving it to a permanent location to be affixed to the real property by a permanent and continuous concrete wall foundation. The term "mobile home" also does not apply to recreational vehicles as defined by "Recreational Vehicles".
 - (23) Mobile home park. Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel

of land under the same ownership, the primary purpose of which is the rental of spaces.

- (24) Multiple family dwelling. Dwelling designed or intended for the residence of two or more families.
- (25) Non-conforming structure or use. A lawfully existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (26) Owner. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
- (27) Person. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (28) Recreational vehicle. A vehicle or structure designed for highway use that is intended or used for human occupancy, is not being used for residential or business purposes, and is being used solely for vacation and recreational purposes.
- (29) Residential use. A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.
- (30) Parking place. A rectangular area not less than 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.
- (31) Setback. An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
- (32) Sign. An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels

and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.

- (33) Street. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.
- (34) Structure. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (35) Tract or area. The area within a measurable boundary of land or contiguous parcels of land.
- (36) Use. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (37) Yard. An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
- (38) Yard, front. A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
- (39) Yard, rear. Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
- (40) Yard, side. The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

ARTICLE 2. BASIC PROVISIONS

Section 2.1 - Compliance with Ordinance Provisions.

- (1) The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.

Section 2.2 - Establishment of Land Use Zones.

- (1) This ordinance hereby establishes the following land use zones for the City.

<u>Zone</u>	<u>Abbreviated Designations</u>
Residential - 10,000 square feet minimum lot size	"R"
Historic - Commercial	"H-C"
Commercial - 1	"C-1"
Commercial - 2	"C-2"
Agricultural	"A"

Section 2.3 - Location of Zones.

- (1) The boundaries of the zones listed in this ordinance are indicated on the Shaniko zoning map, which is attached to this ordinance.

Section 2.4 - Zoning Map.

- (1) The Zoning Map of the City of Shaniko is enclosed in this ordinance as Appendix I and incorporated herein. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

Section 2.5 - Zoning Boundaries. Unless otherwise specified, zone boundaries are center lines of streets, lot lines, or city limits lines.

ARTICLE 3. LAND USE ZONES

Section 3.1 - Residential Zone "R". Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R" Residential Zone shall comply with the following regulations:

- (1) Permitted Uses.
- A. Single family dwelling
 - B. Mobile Home
 - C. Public park, public recreation areas and community centers

- D. Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall be located not less than 20 feet from the front line and not less than 10 feet from the main building. Detached accessory buildings shall be located not less than 5 feet from the side or rear lot lines. Detached accessory buildings on a corner lot shall not project into the side yard set back area on the street side of such corner lot.
 - E. Name plates and signs. One non-illuminated name plate not to exceed one and one-half square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library; neighborhood or community center.
- (2) Conditional Uses. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
- A. Churches
 - B. Mobile Home parks
 - C. Public schools and libraries
 - D. Apartments, three or more dwelling units
 - E. Home occupation
 - F. Lodge for civic or fraternal organization carrying on no commercial activity
 - G. Duplexes, two unit dwellings
 - H. Necessary public utilities and public services, county service buildings, with safeguards against harm to adjacent or abutting residential property as required by the City Council.
 - I. Civic buildings such as City Hall, fire station
 - J. Private recreation areas.
- (3) Height. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.

(4) Lot size.

- A. The minimum lot size shall conform to the requirements of the County Health Department and the State Sanitary Authority, but the minimum lot area shall be 10,000 square feet.
- B. The minimum lot width at the front lot line shall be 50 feet.

(5) Yards. Setbacks shall be measured from the furthest extension of the building or structure.

- A. Front yard. There shall be a front yard of not less than 20 feet in depth.
- B. Side yard. On interior lots, there shall be side yard on each side of the main building and each side yard shall have a width of not less than 10 feet in width. On corner lots the interior side yards shall have a width of not less than 10 feet but the side yard on the street side of such corner lot shall not be less than 15 feet in width.
- C. Rear yard. There shall be a rear yard of not less than 15 feet in depth.

(6) Parking regulations.

- A. Dwellings. One parking space shall be provided on the lot for each dwelling unit.
- B. Uses other than dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each four seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.

Section 3.2 - Commercial - 1 "C-1" Zone. Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "C-1" Commercial Zone shall comply with the following regulations.

(1) Permitted Uses.

- A. Retail trade establishments in which the operation takes place solely within an enclosed building.
- B. Business, governmental or professional offices.
- C. Financial institution.
- D. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning, establishment and electrical repair shops.

- E. Public park, public recreation areas and community centers.
- (2) Conditional Uses. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
 - A. Churches
 - B. Family oriented craft industries
 - C. Service commercial establishments such as hotel, motel, gasoline service station or restaurant
 - D. Agricultural support services
 - E. Commercial amusement
 - F. Apartments
 - G. Mobile Homes
 - H. Private recreation areas
 - I. Single family dwelling
 - J. Other similar uses as authorized by the City Council
- (3) Height. Buildings, structures or portions thereto shall not be erected to exceed a height of two and one-half stories or 35 feet whichever is less.
- (4) Setback requirements. In the "C-1" Zone setbacks shall be as follows:
 - A. No buildings shall be constructed or located closer than 10 feet from the front lot line.
 - B. Corner lot exterior side-yard set-back shall be 10 feet; interior side-yard set-back shall be 5 feet; all other side-yard set-backs shall be 5 feet.

Setbacks shall be measured from the furthest extension of the building or structure.

Section 3.3 - Historic - Commercial "H-C" Zone. Uses. In the "H-C" Zone the following uses and their accessory uses are permitted, provided that at least the front of each structure or building permitted in this zone is designed and constructed with an historical western appearance.

- (1) Permitted Uses.
 - A. Retail trade establishments in which the operation takes place solely within an enclosed building.

- B. Business, governmental or professional offices.
 - C. Financial institution
 - D. Personal and business services such as barber shop, tailoring shop, printing shop, laundry or dry cleaning, establishment and electrical repair shops
 - E. Public park, public recreation areas and community centers
- (2) Conditional Uses. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
- A. Church
 - B. Family oriented craft industries
 - C. Service commercial establishments such as hotel, motel, gasoline service station or restaurant.
 - D. Farrier
 - E. Commercial amusement
 - F. Other similar uses as authorized by the City Council
- (3) Setback requirements. Buildings must be set back 10 feet adjoining public right-of-way. This area must be landscaped as approved by the City Council.
- (4) Signs. No sign shall exceed 40 square feet in area and the sign and letters must have a historical western appearance.
- (5) Review Procedure. Plans for any use or accessory uses permitted in Section 3.3 (1) and 3.3 (2) must first be reviewed by the Shaniko City Council before any construction begins. The City Council, after hearing and seeing the plans for any use or accessory use, will be majority vote of the City Council approve, disapprove, or add requirements to protect the historical appearance of this zone.

Section 3.4 - Commercial - 2 Zone "C-2". Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "C-2" Commercial Zone shall comply with the following regulations.

- (1) Permitted Uses.
- A. Retail trade establishments

- B. Commercial amusement including, but not limited to; theaters, speciality shops, horse race track, children's zoo, stable, farrier, and other amusement facilities and structures
 - C. Private recreation areas
 - D. Recreational Vehicle park
 - E. Public parks, public recreation areas
 - F. Other similar uses as authorized by the City Council
- (2) Conditional Uses.
- A. Church
 - B. Family oriented craft industries
 - C. Hotel, motel, or restaurant
 - D. Single family dwelling.
 - E. Mobile Home
 - F. Home occupation
- (3) Setbacks. No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or 25 feet, whichever is greater.
- (4) Signs. No sign shall exceed 40 square feet in area, unless the letters of the sign are individually constructed and mounted flat upon any wall of the building which houses the commercial enterprise being advertised.

Section 3.5 - Agricultural Zone "A". Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "A" Agricultural Zone shall comply with the following regulations.

- (1) Permitted Uses.
- A. Farm use as defined
 - B. Farm dwellings or dwellings for owners, operators and farm employees.
 - C. Public parks, public recreation areas
 - D. Accessory uses customarily provided in conjunction with farm use

(2) Conditional Uses.

- A. Facilities necessary for public utility services
- B. Non-farm single family dwelling including a mobile home on a minimum one acre tract
- C. Home occupation

(3) Setbacks.

- A. Front yard. There shall be a front yard of not less than 30 feet in depth.
- B. Side yard. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 15 feet.
- C. Rear yard. There shall be a rear yard of not less than 30 feet in depth.

(4) Height. Buildings, structures or portions thereof shall not be erected to exceed a height of 35 feet excluding agricultural storage facilities.

(5) Sanitation regulations. The minimum lot size shall conform to the requirements of the County Health Department and the State Sanitary Authority, but for a non-farm single family dwelling the minimum lot area shall be one acre.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

Section 4.1 - Maintenance of Minimum Ordinance Requirements. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

Section 4.2 - Access. Every lot shall abut a street, other than an alley, for at least 25 feet.

Section 4.3 - General Provisions Regarding Accessory Uses. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

Section 4.4 - Fences. A fence or hedge within a front yard or a street side yard shall not exceed an elevation six feet above the street curb elevation.

ARTICLE 5. CONDITIONAL USES

Section 5.1 - Authorization to Grant or Deny Conditional Uses.

- A. Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the City Council in accordance with the standards and conditions in this article. In permitting a conditional use or the modification of a conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the City Council considers necessary to protect the best interest of the surrounding property or the City as a whole.
- B. Standards for granting conditional uses.
 - (1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.
 - (2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
 - (3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
 - (4) The proposal will preserve assets of particular interest to the community.

- (5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

C. Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location and lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.
- (9) Requiring proper drainage and pest control.
- (10) Placing time limits on the use and requiring periodic reviews.

D. Procedure for taking action on a conditional use application.

- (1) Application for a conditional use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.

- (2) Public hearings on conditional use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing.
- (3) Notification action. Within 10 days after a decision has been rendered by the City Council with reference to a request for conditional use, the City shall provide the applicant with written notice of the decision of the Council.
- (4) Time limit on a permit for conditional use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend authorization for an additional 6 months on request.

ARTICLE 6. EXCEPTIONS AND VARIANCES

Section 6.1 - Nonconforming Uses.

- (1) A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- (2) If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- (4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.
- (5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been

issued by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

Section 6.2 - General Exceptions to Yard Requirements. The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot.

Any front yard need not exceed:

- (1) The average of the front yards on abutting lots which have buildings within 100 feet of the lot, or
- (2) The average of the front yard of a single abutting lot, which has a building within 100 feet, and the required depth for that zone.

Section 6.3 - General Exceptions to Building Height Limitations. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

Section 6.4 - Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 24 inches into a required yard setback area.

Section 6.5 - Authorization to Grant to Deny Variances. The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted within the zone in which the proposed use would be located. In granting a variance, the City Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Section 6.6 - Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances exist.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.
 - A. Application for a variance. A property owner may initiate a request for a variance by filing an application with the City Recorder.
 - B. Public hearing on a variance. Before the City Council may act on a request for a variance, it shall hold a public hearing.
 - C. Notification of decision. Within 10 days after a decision has been rendered by the City Council with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the City Council.

ARTICLE 7. AMENDMENTS

Section 7.1 - Forms of Amendments.

- (1) An amendment to this Ordinance may take the following forms:
 - A. Amendment to the text. (Legislative Revision)
 - B. Amendment to the map. (Legislative Revision or Quasi-Judicial Change)

Section 7.2 - Legislative Revisions.

- (1) Proposed amendments to this Ordinance shall be deemed legislative revisions if:
 - A. The proposed amendment involves the text of this Ordinance and/or;
 - B. The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Legislative revisions shall be initiated by:
 - A. A resolution of a majority of the City Council
 - B. The request of the City Attorney
 - C. The request of the City Planner.

Section 7.3 - Quasi-Judicial Changes.

- (1) A proposed amendment to this Ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Quasi-judicial changes may be initiated by:
 - A. Property Owners or contract purchaser or his or their authorized agent.
- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter the decision of the City Council shall be final.

Section 7.4 - Amendment Hearings. The City Council shall conduct a public hearing on a proposed amendment at the earliest possible meeting after it is submitted. Within 40 days after the hearing, the City Council shall by Ordinance approve, disapprove, or modify the proposed amendment.

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceeding.
 - A. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
 - B. The requested zone change or conditional use must be justified by proof that:
 1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.
 2. The change is in conformance with the factors set forth in State Statutes, which shall consciously be considered by the City Council.
 3. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
 4. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 5. The potential impact upon the area resulting from the change has been considered.
- (2) The courts will require a "graduated burden of proof" depending upon the drastic nature of the proposed rezoning.
- (3) Procedural Process of a quasi-judicial hearing.
 - A. Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.

- B. There must be a record which will support the findings made by the City Council.
- C. There must be no pre-hearing contacts on the subject of the hearing.

Section 7.5 - Notification of Decision. Within 10 days after a decision has been rendered by the City Council on an amendment initiated by a property owner, the City Recorder shall provide the applicant with the notice of the City Council's decision.

Section 7.6 - Limitation of Reapplications. No application of a property owner for an amendment to a zone boundary shall be considered by the City Council within the one year period immediately following a previous denial of such request, except the City Council may permit a new application if in the opinion of the City Council new evidence or a change of circumstances warrant it.

Section 7.7 - Record of Amendments. The Recorder shall maintain records of amendments to this Ordinance.

ARTICLE 8. ADMINISTRATIVE PROVISIONS

Section 8.1 - Administration. The Town Marshall or a City Official appointed by the City Council as Zoning Ordinance Administrator shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by him regarding a requirement of the Ordinance may be made only to the City Council.

Section 8.2 - Building Permit Required. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City Ordinance at the time the application is filed.

Section 8.3 - Form of Petitions, Applications and Appeals. All petitions, applications, and appeals provided for in this Ordinance shall be made on the forms outlined in Appendix II of this Ordinance.

Section 8.4 - Filing Fees. The following fees shall be paid to the City Recorder upon filing of an application. Such fees shall not be refundable.

- (1) Variance: \$ _____
- (2) Zone Change \$ _____
- (3) Conditional Use: \$ _____

Section 8.5 - Public Hearings.

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least 10 days prior to the date of hearing.
- (2) In addition, a notice of hearing on a conditional use, a variance or an amendment to a zone boundary shall be mailed to owners of property within 250 feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least 10 days prior to the date of the hearing. If a proposed zone boundary amendment has been initiated by the City Council and is declared by the City Council to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.
- (3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (4) The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 8.6 - Authorization of Similar Uses. The City Council may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

ARTICLE 9. GENERAL PROVISIONS

Section 9.1 - Interpretation. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

Section 9.2 - Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 9.3 - Abatement and Penalty.

- (1) Violation of any provision of this Ordinance or of any amendment of this Ordinance is punishable upon conviction by a fine of not more than \$100.00 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.00.

- (2) In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

ARTICLE 10. EMERGENCY

Section 10.1 - Emergency. That whereas conditions in the City of Mosier are such that this Ordinance is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect after its approval by the Mayor.

Read the first time: _____, 1978

Read the second time by title only: _____, 1978

Read the third time by title only
and passed: _____, 1978

Approved by the Mayor: _____, 1978

Mayor

ATTEST:

Recorder

APPLICATION FOR
PLAN CHANGE/ZONE CHANGE/VARIANCE/CONDITIONAL USE

DATE _____

OWNER/APPLICANT _____

ADDRESS _____

PAGE _____

CITY _____ STATE _____ ZIP _____

CHECK ONE: PLAN CHANGE _____ ZONE CHANGE _____ VARIANCE _____ CONDITIONAL USE _____

DESCRIPTION OF PROPERTY:

TAX MAP _____ TAX LOTS _____

LEGAL DESCRIPTION _____

STREET ADDRESS _____

(APPROXIMATE LOCATION IF VACANT)

LOT SIZE _____

(ACRES OR SQUARE FEET)

LIST ALL PROPERTY OWNERS AND THEIR ADDRESSES THAT ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY.

USE:

EXISTING PLANNED USE _____ PROPOSED _____

EXISTING ZONING USE _____ PROPOSED _____

BRIEF DESCRIPTION OF PROPOSAL _____

ANTICIPATED DEVELOPMENT DATE _____

UTILITIES:

WATER SERVICE _____

SEWAGE SERVICE _____

SHOW PROPOSAL BY SKETCHING A PLOT PLAN ON REVERSE SIDE OF APPLICATION OR ATTACHED PAPER. SHOW LOT DIMENSIONS, LOCATION OF ALL BUILDINGS AND SETBACKS.

SIGNATURE OF OWNER _____

FEE SCHEDULE:

PLAN CHANGE \$ _____

ZONE CHANGE \$ _____

VARIANCE \$ _____

CONDITIONAL USE \$ _____

OFFICE USE

PAID

☐☐☐☐

REQUEST GRANTED _____ DATE _____

REQUEST DENIED _____ DATE _____

OTHER ACTION _____ DATE _____

CONDITIONS PLACED ON REQUEST _____

SIGNED _____ DATE _____

CITY RECORDER

CITY OF SHANIKO

ORDINANCE 10-87-A

An Ordinance Amending Ordinance No. 6-78-A
Amending Certain Findings and Certain Policy Statements in
Shaniko Comprehensive Plan and Declaring an Emergency

Finding:

1. The City has completely rehabilitated its water reservoir and constructed a new distribution system.
2. Certain types of development, as allowed by Wasco County, need water service outside the Urban Growth Boundary.

NOW, THEREFORE, the City ordains the following Findings and Policy Statements be amended:

1. Finding VI.9 - Amend as follows:

Adequate water storage exists.

2. Policy VI.5

The City may provide water service outside the Urban Growth Boundary provided the service transmission main is sized so as to only serve the proposed rural use.

3. Emergency Clause

Inasmuch as there is a defined need to provide water service outside the Urban Growth Boundary, the council deems that it is necessary in the interest of the public peace, health, safety, and welfare of the City of Shaniko, Oregon, and the citizens thereof, that this ordinance go into full force and effect at the earliest possible date; and an emergency is therefore declared to exist; and this ordinance shall go into full force and effect immediately upon its passage and approval.

Passed by the UNANIMOUS vote of the Council

Approved by the Mayor this 5TH day of OCTOBER, 1987.

APPROVED:



Mayor

ATTEST:



City Recorder, City of Shaniko, Oregon

AN ORDINANCE ADOPTING THE SHANIKO COMPREHENSIVE PLAN:
PRESCRIBING THE EFFECT THEREOF: AND PROVIDING FOR REVIEW
AND MODIFICATION THEREOF.

The City of Shaniko Does Ordain as follows:

Section 1. Findings. The council hereby finds and determines that the Shaniko Comprehensive Plan, as hereinafter defined and adopted, is a comprehensive and well-considered general plan for the future development of the City of Shaniko and such plan provides for and is necessary to protect and to promote the public peace, health, safety and general welfare within the planning area.

Section 2. Adoption. The Council hereby approves and adopts the Shaniko Comprehensive Plan, attached hereto.

Section 3. Filing. Three certified copies shall be maintained without change in the office of the City Recorder.

Section 4. Effect of Plan. The Plan shall be the basis for all decisions relating to land use, public facilities, circulation, community appearance and similar matters. All matters affecting the development of the City and its environs, including but not limited to zoning, subdivisions, signs and capital improvements, shall conform to the Plan.

Section 5. Amendments. The Council from time-to-time may amend the Plan on the basis of further studies or changed concepts, circumstances or conditions. Proposed amendments may be initiated by the Council or property owners or their agents.

The foregoing ordinance was prior to its passage posted in three public places within the City of Shaniko; was made available in its entirety to the residents of the City through public hearings called for that purpose; was on file in the office of the City Recorder for more than one week prior to its passage; was read in full at a regular meeting of the council on June 23, 1978, and twice by title only, and on motions made, seconded and carried, passed by the vote of the council as follows:

Voting Aye 4
(Names, or none)

Voting Nay 0
(Names, or none)

A Absent 2
(Names or none)

This ordinance shall be effective thirty (30) days from the date of its passage and adoption.

Approved this 23 day of June, 1978.

ATTEST:

Alfred R. Spence
Recorder

Julia Robinson
Mayor

ORDINANCE _____

An Ordinance Amending Ordinance No. 6-78-A
Adding Certain Policy Statements to the Shaniko Comprehensive Plan

Finding:

1. The City has been required to complete a Periodic Review of its Comprehensive Plan and Implementing Ordinances. That Review was completed on July 7, 1987, at the final public hearing before the City Council.
2. As a result of that Review, the City finds it must add one Policy Statement and amend one other to the Findings, Goals and Policies of the Comprehensive Plan.

NOW, THEREFORE, the City ordains the following Policy Statements be added or amend the appropriate Goal and Policy section of the Comprehensive Plan.

Policy VI.12 (Modify to read as follows):

"That the City shall require all development to comply with all applicable State and Federal environmental rules, regulations and standards".

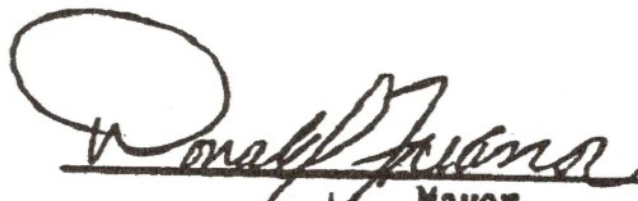
Policy VI.13 (New Policy)

1. The City shall coordinate with ODOT in implementing its improvement program.

Passed by the unanimous vote of the Council

Approved by the Mayor this 23 day of July, 1987.

APPROVED:



Mayor

ATTEST:



City Recorder, City of Shaniko, Oregon.

CITY OF SHANIKO

RESOLUTION 2021-1

A RESOLUTION TO ADOPT THE BUDGET FOR 2021-2022

AND MAKE FUND APPROPRIATIONS

BE IT RESOLVED that the City Council of the City of Shaniko hereby adopts the budget for the fiscal year 2021-2022 in total of \$ 296,805 now on file at the Shaniko City Hall, AND

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2021, and for the purposes shown below are hereby appropriated:

GENERAL FUND

Administration	\$ 20,650
Contingencies	\$ 900
Total	\$ 21,550

FIRE

Administration	\$ 10,000
Contingencies	\$ 2,000
Total	\$ 12,000

WATER FUND

Administration	\$ 222,000
Contingencies	2100

SCHOOL

Administration	\$ 19,155
Contingencies	3,000

Interfund Transfer

Total	\$ 224,100
-------	------------

Total	\$ 22,155
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SANITATION AND MAINTENANCE

Administration	\$ 16,100
Contingencies	\$ 900
Total	\$ 17,000

SPECIAL—HIGHWAY GRANT

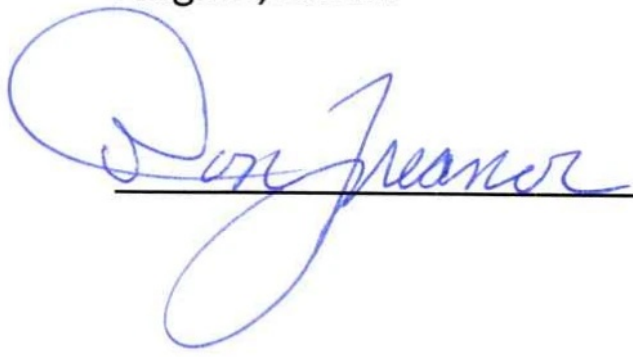
Contract	\$
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TOTAL

TOTAL APPROPRIATIONS \$ 296,805

Because time is of the essence, an emergency requires the immediate passing of this resolution.

The above resolution statements were approved and declared adopted on this 16th day of August, 2021.

A handwritten signature in blue ink, appearing to read "Don Jeanor", written over a horizontal line.

, Mayor

A handwritten signature in blue ink, appearing to read "Patty Johnson", written over a horizontal line.

, City Recorder

CITY OF SHANIKO

RESOLUTION 2021-2

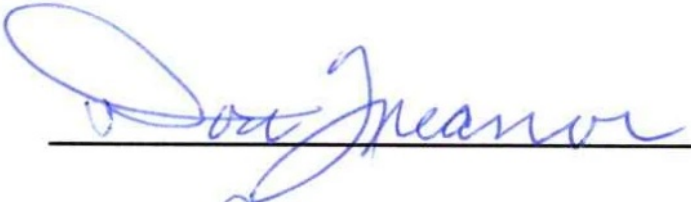
A RESOLUTION TO IMPOSE A TAX AND CATEGORIZING THE TAX

BE IT RESOLVED that the following ad valorem property taxes are hereby imposed for tax year 2021 to 2022 upon the assessed value of all taxable property within the district in the amount of \$1.50 per \$1,000 of assessed value for local option tax, and

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11B as a Local Option Tax at \$1.50/\$1,000 subject to general government limitation

Because time is of the essence, an emergency requires the immediate passing of this resolution.

The above resolution statements were approved and declared adopted on this 16th day of August, 2021

_____, Mayor

_____, City Recorder

CITY OF SHANIKO

RESOLUTION 2021-___3_

DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

The City of Shaniko resolves as follows:

Section 1. Pursuant to ORS 221.770, the city hereby elects to receive any eligible state revenues for fiscal year 2021-2022.

Passed by the City Council the 16th day of August, 2021.

Approved by the Mayor this 16th day of August, 2021.

Because time is of the essence, an emergency requires the immediate passing of this resolution.

Mayor

Attested by City Recorder

I certify that a public hearing before the Budget Committee was held on July 15, 2020 and a public hearing before the City Council was held on July 21, 2020, giving citizens an opportunity to comment on the use of State Revenue Sharing.

City Recorder

CITY OF SHANIKO

RESOLUTION 2022-02

A RESOLUTION TO CLARIFY WHAT AN PERMANET RESADENT IS

WHEREAS, the City of Shaniko ("City") Charter ("Charter"), Chapter

WHEREAS, as the need to clarify what is a resident and a part time resident.

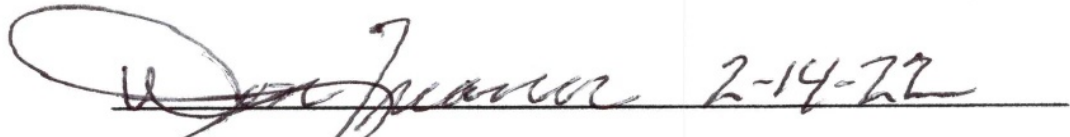
WHEREAS, a full time resident has legal voting rights within the City per County & State Laws, and is not away from their City residence or property less than 6 months consecutively.

WHEREAS, a part time /vacation home owner does not consider the City there Home residence, has no voting rights, and lives within the City less than 6 months consecutively out of the year.

NOW THEREFORE, THE CITY OF SHANIKO RESOLVES AS FOLLOWS:

1. To accept the above "Clarification" as to what a full and part time resident is.

Section 2. This Resolution 2022-02 is effective immediately upon adoption and retro to January 1, 2022


Don Treanor
Mayor of the City of Shaniko

ATTEST:


City Recorder

CITY OF SHANIKO

RESOLUTION 2022-03

A RESOLUTION TO SET TIME AND PLACE FOR COUNCIL MEETINGS

WHEREAS, the City of Shaniko to hold one regular City Council meeting per month, with exceptions for emergency or special or executive.

WHEREAS, to be held at the Shaniko Schoolhouse to allow for more citizens to attend meeting,

WHEREAS, to change the number of meetings and location of meetings.

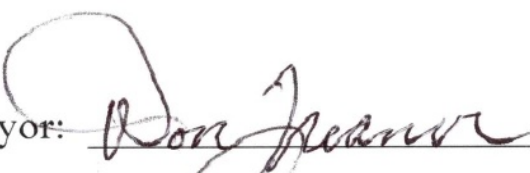
NOW THEREFORE, THE CITY OF SHANIKO RESOLVES AS FOLLOWS:

1. Scheduled one regular City Council meeting per month, second Monday of each month at 6:00 PM;
2. Meetings to be held at the Shaniko Schoolhouse to allow more room for citizens.

Dated this 9 day of May, 2022

Approved by the City of Shaniko Council per meeting minutes, May 9, 2022

Approved by the Mayor:


Don Treanor, Mayor of the City of Shaniko

Attested to by the City Recorder


Diana Marrs, City Recorder of the City of Shaniko

CITY OF SHANIKO

RESOLUTION 2022-04

RESOLUTION FOR INCREASE FOR SANITATION RATES

WHEREAS, the City of Shaniko finds that current fees for sanitation pickup and removal

WHEREAS, PER City Council meeting of May 9, 2022, it was voted on and approved to raise the cost of sanitation pickup \$5.00, bringing the cost of sanitation to \$27.00 per month. To take effect July 1, 2022 for all residential, commercial and part-time users.

Dated: June 13, 2022

Approved by the City of Shaniko Council per meeting minutes, May 9, 2022

Approved by the Mayor:

Don Treanor, Mayor of the City of Shaniko

Attested to by the City Recorder

Diana Marrs, City Recorder of the City of Shaniko

CITY OF SHANIKO

RESOLUTION 2022-08

A RESOLUTION TO APPOINT A VOLUNTEER TREASURER/BOOKKEEPER

Whereas the duties of City Recorder duties currently include all financial duties including bookkeeping and

Whereas these duties place an undue time burden on a single person acting as a volunteer,

It is resolved that the bookkeeping duties including billing, collecting of bills, recording income, paying bills, recording expenses, and preparing necessary reports for the monthly Council meetings shall be performed by a treasurer/bookkeeper to be appointed by the Council.

Financial decisions shall remain with the City Recorder and Council.

Budget and audit reports will be prepared jointly by the City Recorder and the Treasurer/Bookkeeper.

IT is resolved that such position shall be created and appointment made upon immediate passage of this resolution.

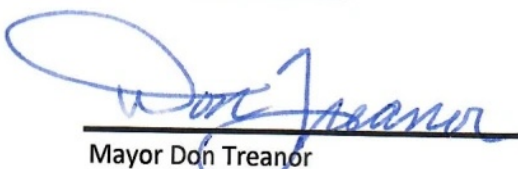
The treasurer/bookkeeper shall be appointed through December 31, 2030.

Approved on this date:

yeah 3

nay 0

Absent 1


Mayor Don Treanor

11/21/22


City Recorder

11/21/2022

City of Shaniko Volunteer Resolution

Resolution No.: 2023-01

Effective Date: January 9, 2023

A resolution extending workers' compensation coverage to volunteers of City of Shaniko, in which City of Shaniko elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public Safety Volunteers

Applicable x **Non-applicable**

An assumed monthly wage of \$800. *Per month per volunteer* will be used for public safety volunteers in the following volunteer positions (check all that apply):

- ☐ Police reserve
- ☐ Search and rescue
- ☒ Firefighter Emergency medical personnel
- ☐ Ambulance drivers
- ☐ Other [List specifically by title]

2. Volunteer boards, commissions, and councils for the performance of administrative duties.

Applicable x **Non-applicable**

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

- a. Mayor,
- b. Council President,
City Council Member,
City Council Member,
City Council Member,



- c. City Recorder,
- d. City Treasure/bookkeeper

3. Manual labor by elected officials.

Applicable _____ Non-applicable x

An assumed monthly wage of \$800 per month will be used for public officials for the performance of non-administrative duties other than those covered in paragraph 2 above

List duties [appropriate classification code will be applied by underwriting]

4. Non-public safety volunteers

Applicable x Non-applicable _____

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non-public safety volunteers below)

- ☐ Parks and recreation
- ☐ Senior center

X Public works [sanitation pick up/water system /restroom maintenance and cleaning]

☐ Library

X Other [general maintenance of city buildings/property]

5. Public Events

Applicable x Non-applicable _____

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

- a. Shaniko Days
- b.



6. Community Service Volunteers/Inmates

Applicable _____ Non-applicable x

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by City of Shaniko

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other Volunteers

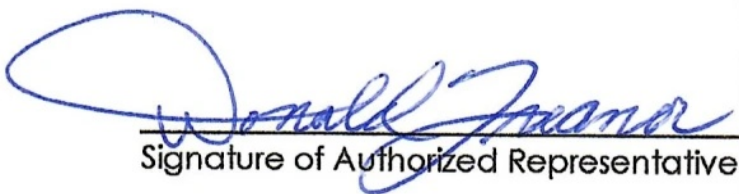
Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that City of Shaniko:

- a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage

City of Shaniko agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Now, therefore, be it resolved by City of Shaniko to provide workers' compensation coverage as indicated above.

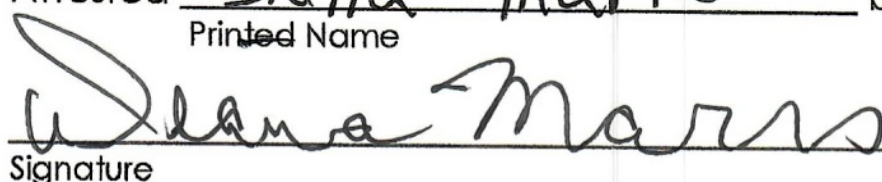
Adopted by the City of Shaniko, City Council this 12 day of December, 2022.


Signature of Authorized Representative

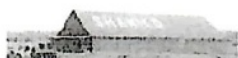
Mayor
Title

DONALD TREANOR
Printed Name

Attested Diana Marrs by this January 9, 2023
Printed Name


Signature

City Recorder
Title



CITY OF SHANIKO
RESOLUTION NO. 2023 - 02

A RESOLUTION TO ESTABLISH EMERGENCY SERVICES VIA SHANIKO VOLUNTEER FIRE DEPARTMENT FOR THE CITY OF SHANIKO AND THE GREATER SHANIKO SURROUNDING AREA.

WHEREAS, In order to provide emergency services outside the City limit boundary as has been the practice since 2020 based on need, calls by county dispatch as well as mutual aid with other agencies.

WHEREAS, the present conditions we are called to provide services and assist the neighboring municipalities outside the city limits at a rapidly growing rate.

WHEREAS, current conditions dictate a 20 mile radius as per calculated response rates with other agencies to converge and mutual aid calls distance as practical.

WHEREAS, this provision provides a foundation for further development of our emergency service environment in concert with other county/state agencies.

Passed by the Council of the City of Shaniko this 9. Day of January, 2023

By Donald Treanor, Mayor of Shaniko
Mayor Donald Treanor

Attest Diana Marrs, City Recorder
Diana Marrs, City Recorder

CITY OF SHANIKO
RESOLUTION NO. 2023-03

A RESOLUTION TO ESTABLISH A SCHEDULE OF WATER USER RATES SERVICE CONNECTION FEES, AND SYSTEM DEVELOPMENT CHARGES, FOR THE WATER SERVICES PROVIDED BY THE CITY OF SHANIKO'S WATER SYSTEM, AS HEREIN PROVIDED FOR BY GENERAL ORDINANCE NO. 46 AND SHALL FULLY REPLACE ANY PREVIOUS RESOLUTIONS HEREIN.

WHEREAS, General Ordinance No. 46 of the City of Shaniko directs that a schedule for water user fees, service connection charges, and system development charges for the City of Shaniko's water system, shall be adopted by City Council; and

WHEREAS, the present schedule is out of date; and

WHEREAS, the City finds it necessary to adopt new schedules to provide for these changes, and requested to build, or connect to the system that have been applied for after 1/1/2023

Now, Therefore, be it Resolved by the Council of the City of Shaniko, a Municipal Corporation of the State of Oregon, that the following proposed schedules of monthly user fees, system connection charges and system development charges shall be adopted and utilized by the City of Shaniko, Oregon, for the users of the City's water system.

Schedule 1 – Monthly Use Rate

Class of Service

- A. Residential Service – Charge of \$45.00 per month. Late fee of \$15.00 after 40 days of due date.
- B. Light Commercial – Charge of \$53.00 per month. Late fee of \$15.00 after 40 days of due date. (Light Commercial or low water users, such as retailers, service stations, offices, repair shops, etc...)

c. Heavy Commercial - \$60.00 per month. Late fee of \$15.00 after 40 days of due date. (Heavy Commercial or high-water users, such as food service, hotels, RV parks, nurseries, laundry services, hydro cremation, or any property with more than one type of business)

d. Contractors/wildland fire protection – Flat Rate

250 gallons or less \$5.00

250 gallons to 500 gallons \$10.00

500 gallons to 1,000 gallons \$12.00

1,000 gallons or more \$15.00 per 1000 gallons to the nearest 1000 gallons.

City staff can wave late fees at their discretion.

Schedule 2 – System Development Charge

For connection to property from existing water mains within 120Ft.

¾" service - \$200.00

1" service - \$250.00

1 ¼" service - \$300.00

1 ½" service - \$500.00

2" service - \$1,000.00

2 ½" service - \$1,500.00

3" service - \$2,000.00

4" service - \$2,500.00

6" service - \$5,000.00

Schedule 3 – System Development Charge for Undeveloped Land

City staff will determine the water main minimum size, by distance, fire flow requirements, and possible number of future developments. If the existing main is of inadequate size, the City Can and will require the developer to replace existing mains to the proper size, and add fire hydrants if found necessary, at their cost per Chapter 46.10.160

New Hydrant with two 2 ½" ports and one 5" port - \$1,500.00 each

4" Mains

Minimum Charge \$1,000.00 up to 200 ft. then \$100.00 per every additional 100ft., if less than 100ft. a flat \$50.00 charge.

6" Mains

Minimum Charge \$1,200.00 up to 200 ft. then \$125.00 per every additional 100ft., if less than 100ft. a flat \$55.00 charge.

8" Mains

Minimum Charge \$1,500.00 up to 200 ft. then \$150.00 per every additional 100ft., if less than 100ft. a flat \$60.00 charge.

10" Mains

Minimum Charge \$2,000.00 up to 200 ft. then \$175.00 per every additional 100ft., if less than 100ft. a flat \$75.00 charge.

Turn-on/off Fees

If a service is shut off for nonpayment or refusal to follow Code & Policy 46.10, a fee will be charged at the following

Turn-Off \$300.00

Turn-On \$300.00

Penalties, General

Properties or Person's found to be violating Chapter 46.10 Water System Code & Policy can be fined \$250.00 to \$1,000.00 per occurrence. City staff will give a

recommendation to City Council for if a fine should be imposed, and at what amount. Council to make final decision.

Effective date – This Resolution will be effective retro to January 1st. 2023

Passed by the COUNCIL this 13 day of February, 2023 by the following vote:

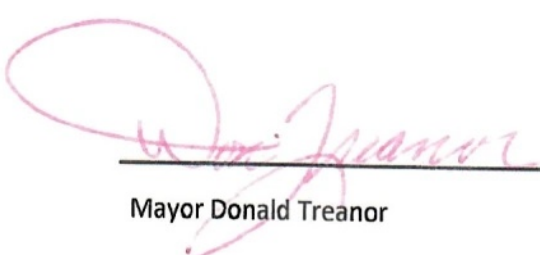
Voting Yes, Councilors: 4

Voting No, Councilors: 0

Abstaining, Councilors: 0

Absent, Councilors: 0

And signed by the MAYOR this 13 day of February, 2023

 _____ Mayor

Mayor Donald Treanor

ATTEST: Diana Marrs City Recorder

Diana Marrs

CITY OF SHANIKO

RESOLUTION 2023-04

RESOLUTION IMPOSING A TAX AND CATEGORIZING THE TAX

WHEREAS, property taxes are hereby approved for inclusion on the May 2023 ballot upon the assessed value of all taxable property with the district in the amount of \$1.50 per \$1,000.00 of assessed value for the local option tax

WHEREAS, be it resolved that the taxes imposed are hereby categorized for the purposes of at \$1.50 per \$1,000.00 assessed value. The City of Shaniko is seeking funding for City Operations funds such as audits, attorney fee and basic city operations.

THEREFORE, IT IS HEREBY ORDERED because of the essences, an emergency requires the immediate passing of this resolution.

Ayes 4 Nays 0 Absent 0 Abstain 0

Approved by the Shaniko City Council per meeting minutes February 13, 2023.

Approved by _____

Mayor Donald Treanor

Attested to by _____

Diana Marrs, City Recorder

CITY OF SHANIKO

RESOLUTION 2023-08

A RESOLUTION

WHEREAS, BE IT RESOLVED that the Cit Council of the City of Shaniko hereby adopts the budget for the fiscal year 2023-2024 in the total of \$2,378,220, now on file with the Shaniko City Hall

WHEREAS, BE IT RESOLVED the amounts for the fiscal year beginning July 1, 2023 and for the purposed shown below are hereby appropriated:

GENERAL	\$ 86,300	FIRE	\$ 236,520
WATER	\$ 2,010,000	SANITATION	\$ 9,000
SCHOOLHOUSE	\$ 2,000	TOURISM	\$ 33,400

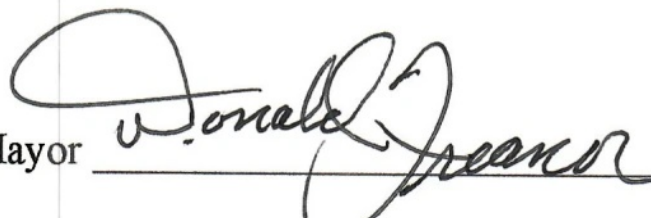
THEREFORE, IT IS HEREBY ORDERED

Yea 4 NAY 0 Absent 0 Abstained 0

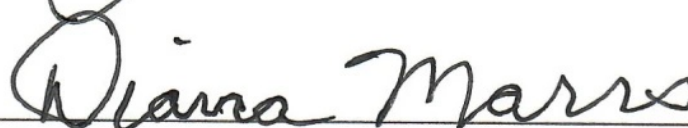
ON this 10th day of July, 2023

Approved by the Shaniko City Council per meeting minutes

Approved by Mayor



Attested to by City Recorder



CITY OF SHANIKO
RESOLUTION NO. 2023-10

Whereas, the City of Shaniko ("City") promulgated Ordinance No. 6-78-B in May 1978 establishing a comprehensive land use policy for the City.

Whereas, Ordinance No. 6-78-B never established fees for land use actions to cover expenses incurred by the City for reviewing such requests, including costs related to publishing notices for hearings, mailing notices to affected property owners/agencies, preparing and copying staff reports, and other responsibilities required by state law and city ordinances.

Whereas, the City of Shaniko, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances.

Whereas, the land use planning process in the State of Oregon has become increasingly complex.

Whereas, to process land use applications fairly and promptly, the City must rely upon professional consultants to assist in preparing the legal notices, conduction of on-site inspection, preparation of staff report and attendance at the City Council Meeting.

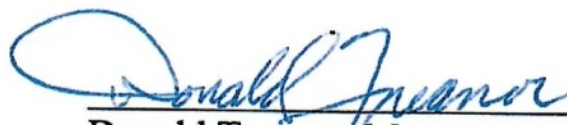
Whereas, the City finds it necessary to transfer land use administrative costs to the land use applicant as part of the land use planning process.

Now, therefore, the City of Shaniko Resolves as follows:

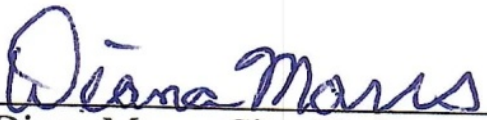
1. In lieu of a filing fee, any applicant for a land use application to the City of Shaniko must agree to the following Fee Agreement:

The City of Shaniko, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process your land use application, the city must rely upon professional consultants to assist in preparing the legal notices, conduction of on-site inspection, preparation of staff report and attendance at the City Council Meeting. The City utilizes a consultant to ensure your application is processed fairly and promptly. As such, applicant shall be billed for administrative costs not to exceed \$1,000.00 unless the applicant reviews and approves the estimated costs exceeding \$1,000.00. In the event of non-payment, the City is authorized to place a lien on the property.

Approved by the City Council this 11 day of December, 2023.


Donald Treanor, Mayor 12-11-23

ATTEST:


Diana Marrs, City Clerk

RESOLUTION NO. 2023-11
SHANIKO, OREGON

**A RESOLUTION ESTABLISHING THE CITY OF SHANIKO'S
EXECUTIVE SESSION POLICY**

Whereas, Oregon public meetings law provides that representatives of the news media shall be allowed to attend certain executive sessions of public bodies, but may be required to not disclose specified information.

Whereas, because at the time state law relating to media attendance at executive session was adopted "news media" consisted of entities that were institutionalized and structured to support compliance with the requirements ORS 192.660(4), the law includes no express mechanism for enforcing those requirements.

Whereas, technological advances since the time the public meetings law was initially adopted have resulted in development of communication mechanisms allowing virtually any individual or entity to disseminate information widely.

Whereas, the City of Shaniko finds that in that absence of statutory definition of "news media" as that term is used in ORS 192.660(4) it is necessary to adopt a policy that implements the intent of the public meetings law relating to executive session attendance without precluding attendance by Internet-based or other "non-traditional" information disseminators that are institutionalized and committed to compliance with ORS 192.660(4).

Whereas, the City of Shaniko recognizes that this policy is solely for the purpose of determining eligibility to attend executive sessions, which requires non-disclosure of specified information from executive sessions, and is not intended to otherwise define "news media" or to determine eligibility to report on the City's activities or to limit access to other City of Shaniko meetings by any person.

Now, therefore, the City of Shaniko hereby adopts the following policy:

1. Currently Recognized News Media Organizations. The following entities are hereby recognized as news media organizations eligible to attend executive sessions because they have an established history of meeting the requirements of this policy:

The Dalles Chronicle
Madras Pioneer

No other entity shall be permitted to attend an executive session unless it is recognized through the process described in Section 2 below.

2. Recognition of Other News Media Organizations.

a. The following entities are recognized as news media organizations eligible to attend executive sessions:

(1) A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or

(2) A newspaper that the City of Shaniko uses for publication of public notices and that meets the requirements of ORS 193.020.

(3) An entity recognized by the City of Shaniko as being a news source that:

A. Is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Shaniko or matters of the nature under consideration by the City of Shaniko; and

B. Is determined by the City of Shaniko to be a business entity that is institutionalized¹ and that is committed to, and is structured to support, the terms of ORS 192.660(4)². In making this determination, the City of Shaniko may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:

i. The entity has multiple personnel with defined roles within its organizational structure;

ii. The names of news-reporting personnel, and responsible entity management personnel, together with addressees and contact telephone numbers, are readily available; or

iii. The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

b. It shall be the entity's burden to persuade the City of Shaniko by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 2(a) of this policy. Such evidence must be submitted 30 days in advance of the first executive session that the entity desires to attend. The City of Shaniko shall make a determination within 29 days of receiving the evidence submitted by the entity. The City of Shaniko may elect to forgo this procedure in cases where the City of Shaniko, in its sole discretion, determines that it can immediately recognize that an entity qualifies under this policy, or in cases where the public body, in its sole discretion, determines that other good cause exists for making an expedited determination. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in Section 2(a).

¹ For the purposes of this policy, "institutionalized" means long-established or well established.

² Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive sessions held pursuant to ORS 332.061(2) but the governing body may require that specified information be undisclosed.

3. Attendance at Executive Sessions. Representatives of news media organizations recognized pursuant to Sections 1 and 2 of this policy shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:

a. The representative must provide substantial evidence persuading the City of Shaniko, that he or she is a news reporter for the recognized news media organization. In making its determination whether to recognize the person as a representative of the news media organization, the City of Shaniko shall require:

1. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or

2. A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or

3. A letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.

b. Representatives of the news media are not permitted to attend executive sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4). If the executive session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the City of Shaniko shall exclude any member of the news media from attending if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).

c. The City of Shaniko may require that a request to attend an executive session be made in writing on a form provided by the City of Shaniko. The form shall require disclosure of the person's name, and the entity for which he or she is a news reporter and shall require submission of evidence described in Subsection 3(a)(1), (2), or (3) of this policy. This form shall also include a signature line whereby the person certifies that they are gathering news for a recognized news media organization, that the information given is true and that they agree to comply with ORS 192.660(4).

d. The City of Shaniko may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

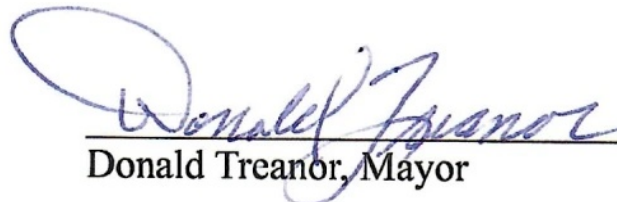
4. Recording Devices Prohibited. Cameras, tape recorders, and other recording devices shall not be used in executive sessions, except for the official executive session tapes made to the City of Shaniko staff.

5. Exclusion Based on a Direct Personal Interest. A representative of a news media organization that has a direct personal interest in the subject of the executive session that would frustrate the purpose of the executive session may be barred from attending.

6. Application to Boards and Commissions. These policies and procedures shall apply to the City of Shaniko and all of its boards and commissions.

7. Announcement of Attendees. The minutes of any executive session shall reflect the names of each person attending the executive session and in the case of news media representatives, the respective news media organization which each of them represents. If the executive sessions are audio or video taped, the same information regarding the attendees shall be disclosed orally on the tape.

Approved by the City Council this 11 day of December, 2023.

 12-11-23
Donald Treanor, Mayor

ATTEST:


Diana Marrs, City Clerk

CITY OF SHANIKO

RESOLUTION 2024 - 01

A RESOLUTION

WHEREAS, BE IT RESOLVED that the Cit Council of the City of Shaniko hereby adopts the budget for the fiscal year 2024 - 2025 in the total of \$2,309,020, now on file with the Shaniko City Hall

WHEREAS, BE IT RESOLVED the amounts for the fiscal year beginning July 1, 2024 and for the purposed shown below are hereby appropriated:

GENERAL	\$ 39,000	FIRE	\$ 239,520
WATER	\$ 2,020,000	SCHOOLHOUSE	\$ 20,000
SANITATION & MAINTENANCE		\$ 12,000	

TOTAL APPROPRIATIONS \$2,330,520.00

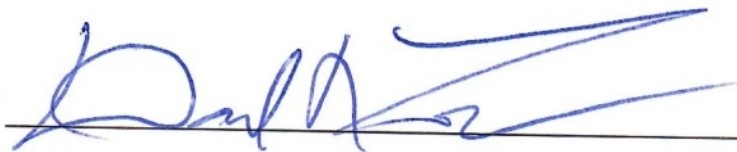
THEREFORE, IT IS HEREBY ORDERED

Yea 3 Nay 0 Absent 1 Abstained 0

ON this day of JUNE 2024

Approved by the Shaniko City Council per meeting minutes

Approved by Mayor



6/30/2024

Attested to by City Recorder



6/30/2024

7CITY OF SHANIKO

RESOLUTION 2024 - 02

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

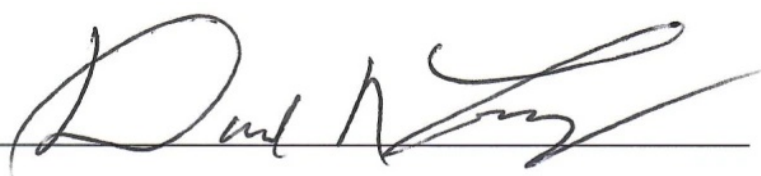
WHEREAS, BE IT RESOLVED that the Cit Council of the City of Shaniko hereby resolves as follows:

Section 1 Pursuant to ORS 221.770, the city hereby elects to receive any state revenues for the fiscal year 2024-2025.

Yea 3 Nay Absent Abstained

ON this 8 day of JULY 2024

Approved by the Shaniko City Council per meeting minutes

President of Council
Mayor 

Attested to by City Recorder 



CITY OF SHANIKO

RESOLUTION 2024 - 03

A RESOLUTION for a TAX and Categorizing the Tax

WHEREAS, BE IT RESOLVED property Taxes are hereby approved for inclusion on the May 2023 ballot upon the assed value of all taxable property with the district in the amount of \$1.50 per \$1,000.00 of assed value for the local option tax.

WHEREAS, BE IT RESOLVED, that the taxes imposed are here by categorized for the purpose of at \$1.50 per \$1,000.00 assed value. The City of Shaniko is seeking funding for City Operations funds, such as audits, attorney fees and basic city operations.

THEREFORE, IT IS HEREBY ORDERED because of the essences, and emergency requires the immediate passing of this resolution.

Yea 3

Nay 0

Absent 0

Abstained 0

ON this 8 day of July ~~JUNE~~ 2024

Approved by the Shaniko City Council per meeting minutes

Approved by Mayor 

Attested to by City Recorder 



CITY OF SHANIKO

RESOLUTION 2024-04

A RESOLUTION to Increase Sanitation Rates

WHEREAS, the revenue from the current sanitation rates does not cover the administrative, rental, pickup, supplies and others costs,

WHEREAS, the Council has the authority to periodically review sanitation rates and enact increases,

The Council finds that a total increase of \$7.00 per month on ALL ACCOUNTS, resident and commercial,

The rate for disposal in excess of two 32-gallon containers for residential and four 32-gallon containers for commercial shall be \$7.00 per 32-gallon container or equivalent per week.

THEREFORE, IT IS HEREBY ORDERED that the Council of the City of Shaniko authorizes a rate increase of \$7.00 on ALL ACCOUNTS beginning with the month of January 1, 2025.

Approved by the Shaniko City Council per meeting minutes November 18, 2024

Approved by Mayor Don Treanor



Attested to by City Recorder

