

**ADAIR VILLAGE CITY COUNCIL-Final**  
**City Hall - 6030 Wm. R Carr Av.**  
**\*\*\*\*Tuesday, July 11, 2023 - 6:00pm\*\*\*\***

**1. ROLL CALL – Flag Salute**

**2. CONSENT CALENDAR:** - *The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be discussed before the Consent Calendar is considered. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Calendar.*

- a. Minutes – City Council Meeting – June 6<sup>th</sup>, 2023 (Attachment A)
- b. Bills List through – June 29, 2023 (Attachment B)

**3. PUBLIC COMMENT (Please limit comments to 3 minutes)**

**4. STAFF REPORTS:**

- a) Sheriff's Report (Attachment C) Pat Hare
- b) CSO Report (Attachment D1, D2, D3) Pat Hare
- c) City Administrator (Attachment E) Pat Hare
- d) Public Works Report (Attachment F) Pat Hare
- e) Financial Report (Attachment G) Pat Hare

**5. OLD BUSINESS:**

- a) Natural Hazard Mitigation Plan Update (Attachment H) Pat Hare  
Action: Discussion
- b) Hospital Hill Water Line (Attachment I) Pat Hare  
Action: Update

**6. NEW BUSINESS:**

- a) Community and Youth Activities Kim Gardner  
Action: Discussion

**7. ORDINANCES, RESOLUTIONS, AND PROCLAMATIONS:**

- a) Resolution 2023-6 Increase in WW Loan (Attachment J, J1) Pat Hare  
Action: Decision
- b) Ordinance 2023-5 Amending Chapter 43 (Attachment K) Pat Hare  
Action: Decision
- c) Ordinance 2023-6 Amending Chapter 40 (Attachment L) Pat Hare  
Action: Decision

**8. EXECUTIVE SESSION**

- a) N/A  
Action: n/a

**9. COUNCIL and MAYOR COMMENTS:**

**10. ADJOURNMENT:**

Next meetings -

City Council –Tuesday, August 1, 2023, 6:00 PM  
Planning Commission – July 18, 2023, 6:00pm

*The Community Center is accessible to person with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling City Offices at 541-745-5507 or e-mail [karla.mcgrath@adairvillage.org](mailto:karla.mcgrath@adairvillage.org), or Oregon Relay Services by dialing 7-1-1. The City of Adair Village is an Equal Opportunity Employer.*

**The order in which items on the Agenda are addressed by the City Council may vary from the order shown on the Agenda.**

**ADAIR VILLAGE  
CITY COUNCIL MINUTES  
6030 William R. Carr Avenue  
\*\*\*\*Tuesday, June 6, 2023 – 6:00 PM\*\*\*\***

Agenda Item	Action
<b>1. Roll Call:</b> City Council Members present: Councilors Fuller, Ray, and Mayor Currier were present. Councilor Officer was absent. City Administrator Hare was present. The minutes were taken by CA Hare.	Mayor Currier called the meeting to order at 6:00 PM. and led the flag salute.
<b>2. Consent Calendar</b> <b>Attachment A</b> Minutes of the May 2, 2023, City Council Meeting <b>Attachment B</b> Bills List through May 31, 2023 (\$82,671.12).	Councilor Ray moved to approve the Consent Calendar. Councilor Fuller seconded. <b>Unanimous Approval (3-0).</b>
<b>3. Public Comment</b>	None.
<b>4. Staff Reports</b> <b>4a. Attachment C – Sheriff’s Report</b> - CA Hare presented the report.	Council received the report.
<b>4b. Attachment D – CSO Report</b> - CA Hare presented the report.	Council received the report.
<b>4c. Attachment E – City Administrator Report</b> - CA Hare presented the report. <b>Administration</b> <ul style="list-style-type: none"> <li>• <b>Seasonal PW Employee</b> – The city hired its first seasonal employee to help with mowing and ground maintenance around the community. This should allow staff to complete bigger projects this summer.</li> <li>• <b>Tangent</b> – I will be meeting with their city council next week to check in and renew our contract.</li> <li>• <b>Santiam Christian</b> – Santiam Christian isn’t involved in any discussions currently to develop their property.</li> <li>• <b>Cleaning Services</b> – The city has hired McKenna Edmaiston to clean once a week here at city hall.</li> </ul> <b>Property/Businesses</b> <ul style="list-style-type: none"> <li>• <b>AVIS</b> – DEQ is still reviewing the scope of the work plan and staff will be putting new signage up on the property.</li> <li>• <b>Good Grounds Coffee</b> – Susan said things were currently going well but a little nervous about the summer.</li> <li>• <b>Store/Restaurant</b> –The store is doing well currently.</li> </ul> <b>Major Projects/Engineering</b> <ul style="list-style-type: none"> <li>• <b>Water Plant</b> – The chorine generator is working great, and we will be looking to start on the electrical after July 1<sup>st</sup>.</li> <li>• <b>Calloway Creek</b> – They have begun work on the crossing of Calloway creek.</li> </ul> <b>Wastewater Plant</b> – The transformer is in and Wildish is hoping to	Council received the report.

get it installed this month. The last thing we will need to do is to run a new water line for the headworks.	
<b>4d. Attachment F – Public Works Report</b> CA Hare presented the report.	Council received the report.
<b>4e. Attachment G – Financial Report</b> CA Hare presented the report. Income shown for Fiscal Year 2022-2023 is \$2,091,667.40 and Expenses are \$2,244,308.31. The balance in the Local Government Investment Pool is approximately \$3,754,060.74. Last year in May, the balance was \$3,359,763.99.	Council received the report.
<b>5a. Old Business - None</b>	
<b>6a. Development on Willamette</b>	
<b>7a. (Attachment H) - Resolution No. 2023-04 Budget Appropriations</b>	Public hearing for budget appropriations and State revenue sharing began at 7:23 PM Public hearing ended at 7:25 PM There were no public comments. Councilor Fuller moved to approve the resolution. Councilor Ray seconded. <b>Unanimous Approval (3-0).</b>
<b>7b. (Attachment I) - Resolution No. 2023-05 State Revenue Sharing</b>	Councilor Ray moved to approve the resolution. Councilor Fuller seconded. <b>Unanimous Approval (3-0).</b>
<b>8. Executive Session</b>	
<b>9. Council and Mayor Comments</b>	
<b>10. Adjournment:</b> Next meeting- Council meeting on Tuesday, July 11, 2023, at 6:00 p.m.. Planning Commission meeting on Tuesday, July 18, 2023, 6:00 p.m.	<b>Mayor Currier adjourned the meeting at 7:30 PM.</b>

\_\_\_\_\_  
Mayor's Approval

\_\_\_\_\_  
Date

<b>June 2023 Bills</b>	<b>Date</b>	<b>Amount</b>
	6/5/2023	\$28,652.40
	6/14/2023	\$40,191.55
	6/26/2023	\$14,427.22

<b>Total</b>		<b>\$83,271.17</b>
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Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
<b>400 Alsco</b>									
LEUG2494266	1	Paper Towels	Invoice	05/26/2023	06/26/2023	67.75		67.75	100-900-52002
Total LEUG2494266:						67.75	.00	67.75	
Total 400 Alsco:						67.75	.00	✓ 67.75	25687
<b>690 Bank of America</b>									
05232023	1	Credit Card Charges	Invoice	05/23/2023	06/23/2023	1,820.51		1,820.51	100-000-28000
Total 05232023:						1,820.51	.00	1,820.51	
Total 690 Bank of America:						1,820.51	.00	✓ 1,820.51	25689
<b>1410 Century Link</b>									
05112023	1	541-745-5858 873B	Invoice	05/11/2023	06/11/2023	97.96		97.96	510-430-52110
Total 05112023:						97.96	.00	✓ 97.96	
05162023	1	541-928-8372 054B	Invoice	05/16/2023	06/16/2023	98.41		98.41	500-420-52110
Total 05162023:						98.41	.00	✓ 98.41	
05252023	1	503-T31-4410 130B	Invoice	05/25/2023	06/25/2023	53.95		53.95	500-420-52110
Total 05252023:						53.95	.00	✓ 53.95	
Total 1410 Century Link:						250.32	.00	✓ 250.32	25690
<b>1550 City of Corvallis</b>									
4510161	1	Fuel	Invoice	05/15/2023	06/15/2023	241.64		241.64	500-420-52014
Total 4510161:						241.64	.00	241.64	
Total 1550 City of Corvallis:						241.64	.00	✓ 241.64	25691
<b>1610 Civil West Engineering Services Inc</b>									
1001.001B.005	1	General Services	Invoice	06/01/2023	07/01/2023	1,050.00		1,050.00	500-420-52020
1001.001B.005	2	General City Matters	Invoice	06/01/2023	07/01/2023	1,439.26		1,439.26	510-430-52020
1001.001B.005	3	General City Matters	Invoice	06/01/2023	07/01/2023	208.00		208.00	100-900-52020
1001.001B.005	4	General City Matters	Invoice	06/01/2023	07/01/2023	2,555.25		2,555.25	100-900-52020
Total 1001.001B.005:						5,252.51	.00	5,252.51	
1001.028.033	1	WWTP Headworks & Trickling Filter	Invoice	06/01/2023	07/01/2023	486.00		486.00	510-430-52020
Total 1001.028.033:						486.00	.00	486.00	
1001.032.022	1	HMGP Waterline Replacement	Invoice	06/01/2023	07/01/2023	15,530.48		15,530.48	500-420-53503
Total 1001.032.022:						15,530.48	.00	15,530.48	
Total 1610 Civil West Engineering Services Inc:						21,268.99	.00	✓ 21,268.99	25692
<b>1800 Consumers Power Inc.</b>									
05182023	1	1152401	Invoice	05/15/2023	06/15/2023	35.58		✓ 35.58	100-300-52109

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
05182023	2	1152400	Invoice	05/15/2023	06/15/2023	1,222.00		✓ 1,222.00	200-410-52109
05182023	3	1152406	Invoice	05/15/2023	06/15/2023	190.37		✓ 190.37	100-900-52109
05182023	4	1152409	Invoice	05/15/2023	06/15/2023	35.58		✓ 35.58	100-900-52109
05182023	5	1152410	Invoice	05/15/2023	06/15/2023	79.79		✓ 79.79	510-430-52109
05182023	6	1152411	Invoice	05/15/2023	06/15/2023	61.41		✓ 61.41	500-420-52109
05182023	7	1152412	Invoice	05/15/2023	06/15/2023	825.26		✓ 825.26	510-430-52109
05182023	8	1152413	Invoice	05/15/2023	06/15/2023	166.76		✓ 166.76	510-430-52109
05182023	9	1152414	Invoice	05/15/2023	06/15/2023	35.05		✓ 35.05	500-420-52109
05182023	10	1152415	Invoice	05/15/2023	06/15/2023	35.05		✓ 35.05	100-900-52109
05182023	11	1152419	Invoice	05/15/2023	06/15/2023	35.05		✓ 35.05	500-420-53502
Total 05182023:						2,721.90	.00	2,721.90	
Total 1800 Consumers Power Inc.:						2,721.90	.00	✓ 2,721.90	25693
<b>2300 Delapoer Kidd Attorneys at Law</b>									
1971	1	General City matters	Invoice	06/01/2023	07/01/2023	350.00		350.00	100-900-52017
Total 1971:						350.00	.00	350.00	
Total 2300 Delapoer Kidd Attorneys at Law:						350.00	.00	✓ 350.00	25694
<b>2520 Edge Analytical, Inc</b>									
23-15594	1	Monthly Coliform	Invoice	06/01/2023	07/01/2023	40.00		40.00	500-420-52104
Total 23-15594:						40.00	.00	40.00	
Total 2520 Edge Analytical, Inc:						40.00	.00	✓ 40.00	25695
<b>7467 LifOff, LLC</b>									
7228ADD1A	1	Office 365	Invoice	06/03/2023	07/03/2023	322.00		322.00	100-900-52114
Total 7228ADD1A:						322.00	.00	322.00	
Total 7467 LifOff, LLC:						322.00	.00	✓ 322.00	25696
<b>7508 McKenna Ziegler</b>									
00001	1	Cleaning Services	Invoice	06/01/2023	06/15/2023	262.50		262.50	100-900-52019
Total 00001:						262.50	.00	262.50	
Total 7508 McKenna Ziegler:						262.50	.00	✓ 262.50	25697
<b>4760 OHA Cashier</b>									
05192023	1	Annual Water System Fee	Invoice	05/19/2023	07/01/2023	900.00		900.00	500-420-52107
Total 05192023:						900.00	.00	900.00	
Total 4760 OHA Cashier:						900.00	.00	✓ 900.00	25698
<b>4800 One Call Concepts Inc</b>									
3050311	1	OR Utility Notification Center	Invoice	06/01/2023	07/01/2023	30.80		30.80	500-420-52109
3050311	2	OR Utility Notification Center	Invoice	06/01/2023	07/01/2023	30.80		30.80	510-430-52109
Total 3050311:						61.60	.00	✓ 61.60	25699

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
Total 4800 One Call Concepts Inc:						61.60	.00	61.60	
<b>5240 Pace Heating &amp; Air</b>									
S-61552	1	Diagnostic and Repair and Filter	Invoice	06/01/2023	07/01/2023	137.00		137.00	100-900-52012
Total S-61552:						137.00	.00	137.00	
Total 5240 Pace Heating & Air:						137.00	.00	✓ 137.00	25700
<b>5330 Pape Machinery</b>									
14486998	1	Parts	Invoice	05/30/2023	06/30/2023	25.33		25.33	100-300-52022
Total 14486998:						25.33	.00	25.33	
Total 5330 Pape Machinery:						25.33	.00	✓ 25.33	25701
<b>5360 Pat Hare</b>									
06032023	1	Refund for use of personal credit ca	Invoice	06/03/2023	07/03/2023	43.90		43.90	100-900-52002
Total 06032023:						43.90	.00	43.90	
Total 5360 Pat Hare:						43.90	.00	✓ 43.90	25703
<b>7502 Peterson Cat</b>									
SB290007200	1	Credit Memo	Invoice	05/15/2023	05/15/2023	977.46-		977.46-	510-430-52011
Total SB290007200:						977.46-	.00	977.46-	
SW290084706	1	Work Order 2964780	Invoice	05/15/2023	06/15/2023	977.46		977.46	510-430-52011
Total SW290084706:						977.46	.00	977.46	
Total 7502 Peterson Cat:						.00	.00	0.00	✓
<b>999 Utility Refund</b>									
2864.01	1	Water	Invoice	05/31/2023	06/15/2023	78.00		78.00	500-420-52105
2864.01	2	Wastewater	Invoice	05/31/2023	06/15/2023	52.00		52.00	510-430-52105
Total 2864.01:						130.00	.00	✓ 130.00	25702
5564.03	1	Water	Invoice	06/01/2023	06/15/2023	5.38		5.38	500-420-52105
5564.03	2	Wastewater	Invoice	06/01/2023	06/15/2023	3.58		3.58	510-430-52105
Total 5564.03:						8.96	.00	✓ 8.96	25688
Total 999 Utility Refund:						138.96	.00	138.96	
Total :						28,652.40	.00	28,652.40	
Grand Totals:						28,652.40	.00	28,652.40	

Summary by General Ledger Account Number

GL Account Number	Debit	Credit	Net
100-000-28000	1,820.51	.00	1,820.51
100-300-52022	25.33	.00	25.33
100-300-52109	35.58	.00	35.58
100-900-52002	111.65	.00	111.65
100-900-52012	137.00	.00	137.00
100-900-52017	350.00	.00	350.00
100-900-52019	262.50	.00	262.50
100-900-52020	2,763.25	.00	2,763.25
100-900-52109	261.00	.00	261.00
100-900-52114	322.00	.00	322.00
200-410-52109	1,222.00	.00	1,222.00
500-420-52014	241.64	.00	241.64
500-420-52020	1,050.00	.00	1,050.00
500-420-52104	40.00	.00	40.00
500-420-52105	83.38	.00	83.38
500-420-52107	900.00	.00	900.00
500-420-52109	127.26	.00	127.26
500-420-52110	152.36	.00	152.36
500-420-53502	35.05	.00	35.05
500-420-53503	15,530.48	.00	15,530.48
510-430-52011	977.46	977.46-	.00
510-430-52020	1,925.26	.00	1,925.26
510-430-52105	55.58	.00	55.58
510-430-52109	1,102.61	.00	1,102.61
510-430-52110	97.96	.00	97.96
<b>Grand Totals:</b>	<b>29,629.86</b>	<b>977.46-</b>	<b>28,652.40</b>

Summary by General Ledger Posting Period

GL Posting Period	Debit	Credit	Net
05/23	7,134.91	977.46-	6,157.45
06/23	22,494.95	.00	22,494.95
<b>Grand Totals:</b>	<b>29,629.86</b>	<b>977.46-</b>	<b>28,652.40</b>

*[Handwritten signature]*  
6/5/23



Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
<b>150 A &amp; B Septic</b>									
59539	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	175.00		✓ 175.00	100-900-52115
Total 59539:						175.00	.00	175.00	
59540	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	375.00		✓ 375.00	100-900-52115
Total 59540:						375.00	.00	375.00	
59572	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	436.44		✓ 436.44	100-900-52115
Total 59572:						436.44	.00	436.44	
59715	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	225.00		✓ 225.00	100-900-52115
Total 59715:						225.00	.00	225.00	
59716	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	225.00		✓ 225.00	100-900-52115
Total 59716:						225.00	.00	225.00	
59717	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	225.00		✓ 225.00	100-900-52115
Total 59717:						225.00	.00	225.00	
59758	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	225.00		✓ 225.00	100-900-52115
Total 59758:						225.00	.00	225.00	
59759	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	375.00		✓ 375.00	100-900-52115
Total 59759:						375.00	.00	375.00	
59777	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	325.00		✓ 325.00	100-900-52115
Total 59777:						325.00	.00	325.00	
59792	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	375.00		✓ 375.00	100-900-52115
Total 59792:						375.00	.00	375.00	
59884	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	1,625.00		✓ 1,625.00	100-900-52115
Total 59884:						1,625.00	.00	1,625.00	
59885	1	Work for Tangent	Invoice	06/01/2023	07/01/2023	1,590.00		✓ 1,590.00	100-900-52115
Total 59885:						1,590.00	.00	1,590.00	
Total 150 A & B Septic:						6,176.44	.00	✓ 6,176.44	85704
<b>1320 Cascade Water Works Inc.</b>									
1325	1	Park Lift Station Pump Repairs	Invoice	06/01/2023	07/01/2023	7,071.42		7,071.42	510-430-52011
Total 1325:						7,071.42	.00	✓ 7,071.42	85705

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
Total 1320 Cascade Water Works Inc.:						7,071.42	.00	7,071.42	
<b>1340 Caselle Inc.</b>									
125411	1	Monthly Software Hosting Fees	Invoice	06/07/2023	07/07/2023	600.75		600.75	500-420-52114
125411	2	Monthly Software Hosting Fee	Invoice	06/07/2023	07/07/2023	400.50		400.50	100-900-52114
125411	3	Monthly Software Hosting Fee	Invoice	06/07/2023	07/07/2023	200.25		200.25	510-430-52114
125411	4	Monthly Software Hosting Fee	Invoice	06/07/2023	07/07/2023	66.75		66.75	200-410-52114
125411	5	Monthly Software Hosting Fee	Invoice	06/07/2023	07/07/2023	66.75		66.75	520-440-52114
Total 125411:						1,335.00	.00	1,335.00	
Total 1340 Caselle Inc.:						1,335.00	.00	✓ 1,335.00	25706
<b>7478 Northcore USA LLC</b>									
276	1	Tangent Mower Access	Invoice	06/13/2023	06/30/2023	3,000.00		3,000.00	100-900-52115
Total 276:						3,000.00	.00	✓ 3,000.00	
323	1	Emergency Water System Repair	Invoice	06/13/2023	06/30/2023	3,000.00		3,000.00	500-420-52011
Total 323:						3,000.00	.00	✓ 3,000.00	
Total 7478 Northcore USA LLC:						6,000.00	.00	✓ 6,000.00	25708
<b>4670 NW Natural</b>									
05032023	1	1407224-3	Invoice	06/07/2023	07/07/2023	20.81		20.81	100-900-52109
Total 05032023:						20.81	.00	20.81	
Total 4670 NW Natural:						20.81	.00	✓ 20.81	25709
<b>5300 Pacific Power/PacificCorp</b>									
06072023	1	02099381-001 7	Invoice	06/12/2023	06/27/2023	2,387.90		2,387.90	500-420-52109
Total 06072023:						2,387.90	.00	2,387.90	
Total 5300 Pacific Power/PacificCorp:						2,387.90	.00	✓ 2,387.90	25710
<b>7502 Peterson Cat</b>									
SB290007200	1	Credit Memo	Invoice	05/15/2023	05/15/2023	977.46-		977.46-	510-430-52011
Total SB290007200:						977.46-	.00	977.46-	
SW290084706	1	Work Order 2964780	Invoice	05/15/2023	06/15/2023	977.46		977.46	510-430-52011
Total SW290084706:						977.46	.00	977.46	
Total 7502 Peterson Cat:						.00	.00	.00	
<b>5780 Republic Services #452</b>									
0452-00501668	1	3-0452-0023479	Invoice	06/01/2023	07/01/2023	42.11		✓ 42.11	100-900-52109
Total 0452-005016689:						42.11	.00	42.11	
0452-00502882	1	3-0452-0340655	Invoice	06/01/2023	07/01/2023	42.99		✓ 42.99	510-430-52109

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
Total 0452-005028821:						42.99	.00	42.99	
Total 5780 Republic Services #452:						85.10	.00	85.10	25711
<b>5940 SAIF Corporation</b>									
1001131741	1	Admin	Invoice	06/01/2023	07/01/2023	127.26		127.26	100-100-52103
1001131741	2	PS	Invoice	06/01/2023	07/01/2023	7.95		7.95	100-200-52103
1001131741	3	Parks	Invoice	06/01/2023	07/01/2023	71.58		71.58	100-300-52103
1001131741	4	Streets	Invoice	06/01/2023	07/01/2023	31.81		31.81	200-410-52103
1001131741	5	Water	Invoice	06/01/2023	07/01/2023	397.69		397.69	510-430-52103
1001131741	6	WW	Invoice	06/01/2023	07/01/2023	127.26		127.26	520-440-52103
1001131741	7	SD	Invoice	06/01/2023	07/01/2023	31.82		31.82	520-440-52103
Total 1001131741:						795.37	.00	795.37	
Total 5940 SAIF Corporation:						795.37	.00	795.37	25712
<b>6230 Simply Payroll</b>									
18058	1	Payroll Services	Invoice	06/11/2023	07/11/2023	135.00		135.00	100-900-52019
Total 18058:						135.00	.00	135.00	
Total 6230 Simply Payroll:						135.00	.00	135.00	25713
<b>7274 US Bank Equipment Finance</b>									
503307423	1	Copier Finance	Invoice	06/06/2023	06/30/2023	131.00		131.00	100-900-52023
Total 503307423:						131.00	.00	131.00	
Total 7274 US Bank Equipment Finance:						131.00	.00	131.00	25714
<b>7030 USA Blue Book</b>									
INV00020037	1	Chemicals	Invoice	06/01/2023	07/01/2023	195.60		195.60	500-420-52001
Total INV00020037:						195.60	.00	195.60	
Total 7030 USA Blue Book:						195.60	.00	195.60	25715
<b>7506 USDA Forest Service</b>									
BF061208AD09	1	PAYER CODE 0006021152	Invoice	06/13/2023	06/14/2023	206.89		206.89	100-100-52107
Total BF061208AD09:						206.89	.00	206.89	
Total 7506 USDA Forest Service:						206.89	.00	206.89	25716
<b>999 Utility Refund</b>									
1389.05		1 Water	Invoice	06/12/2023	07/12/2023	9.30		9.30	500-420-52105
1389.05		2 Wastewater	Invoice	06/12/2023	07/12/2023	6.20		6.20	510-430-52105
Total 1389.05:						15.50	.00	15.50	
Total 999 Utility Refund:						15.50	.00	15.50	25707
<b>7484 Wildish Paving Co.</b>									
TWENTY	1	WWTP Improvements	Invoice	06/01/2023	07/01/2023	15,635.52		15,635.52	510-430-53005

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
Total TWENTY:						15,635.52	.00	15,635.52	
Total 7484 Wildish Paving Co.:						15,635.52	.00	15,635.52	28717
Total :						40,191.55	.00	40,191.55	
Grand Totals:						40,191.55	.00	40,191.55	

Summary by General Ledger Account Number

GL Account Number	Debit	Credit	Net
100-100-52103	127.26	.00	127.26
100-100-52107	206.89	.00	206.89
100-200-52103	7.95	.00	7.95
100-300-52103	71.58	.00	71.58
100-900-52019	135.00	.00	135.00
100-900-52023	131.00	.00	131.00
100-900-52109	62.92	.00	62.92
100-900-52114	400.50	.00	400.50
100-900-52115	9,176.44	.00	9,176.44
200-410-52103	31.81	.00	31.81
200-410-52114	66.75	.00	66.75
500-420-52001	195.60	.00	195.60
500-420-52011	3,000.00	.00	3,000.00
500-420-52105	9.30	.00	9.30
500-420-52109	2,387.90	.00	2,387.90
500-420-52114	600.75	.00	600.75
510-430-52011	8,048.88	977.46-	7,071.42
510-430-52103	397.69	.00	397.69
510-430-52105	6.20	.00	6.20
510-430-52109	42.99	.00	42.99
510-430-52114	200.25	.00	200.25
510-430-53005	15,635.52	.00	15,635.52
520-440-52103	159.08	.00	159.08
520-440-52114	66.75	.00	66.75
Grand Totals:	41,169.01	977.46-	40,191.55

Summary by General Ledger Posting Period

GL Posting Period	Debit	Credit	Net
05/23	977.46	977.46-	.00
06/23	40,191.55	.00	40,191.55
Grand Totals:	41,169.01	977.46-	40,191.55

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6/14/23

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
<b>1410 Century Link</b>									
06112023	1	541-745-5858 873B	Invoice	06/11/2023	07/10/2023	97.96		97.96	510-430-52110
Total 06112023:						97.96	.00	✓ 97.96	
06262023	1	541-928-8372	Invoice	06/26/2023	07/26/2023	98.41		98.41	500-420-52110
Total 06262023:						98.41	.00	✓ 98.41	
Total 1410 Century Link:						196.37	.00	✓ 196.37	25719
<b>1520 CIS TRUST</b>									
ADR-GASB75-2	1	GASB 75 Valuation	Invoice	06/14/2023	07/29/2023	127.11		127.11	100-100-52103
ADR-GASB75-2	2	GASB75 Valuation	Invoice	06/14/2023	07/29/2023	9.84		9.84	100-200-52103
ADR-GASB75-2	3	GASB75 Valuation	Invoice	06/14/2023	07/29/2023	29.10		29.10	100-300-52103
ADR-GASB75-2	4	GASB75 Valuation	Invoice	06/14/2023	07/29/2023	24.15		24.15	200-410-52103
ADR-GASB75-2	5	GASB75 Valuation	Invoice	06/14/2023	07/29/2023	261.90		261.90	500-420-52103
ADR-GASB75-2	6	GASB75 Valuation	Invoice	06/14/2023	07/29/2023	110.58		110.58	510-430-52103
ADR-GASB75-2	7	GASB75 Valuation	Invoice	06/14/2023	07/29/2023	20.43		20.43	520-440-52103
Total ADR-GASB75-2022-PRELIMINARY:						583.11	.00	✓ 583.11	used
JULY 2023 FIN	1	Employee Health Ins	Invoice	06/15/2023	07/15/2023	1,023.56		1,023.56	100-100-51010
JULY 2023 FIN	2	Employee Health Ins	Invoice	06/15/2023	07/15/2023	63.97		63.97	100-200-51010
JULY 2023 FIN	3	Employee Health Ins	Invoice	06/15/2023	07/15/2023	383.84		383.84	100-300-51010
JULY 2023 FIN	4	Employee Health Ins	Invoice	06/15/2023	07/15/2023	319.86		319.86	200-410-51010
JULY 2023 FIN	5	Employee Health Ins	Invoice	06/15/2023	07/15/2023	3,070.69		3,070.69	500-420-51010
JULY 2023 FIN	6	Employee Health Ins	Invoice	06/15/2023	07/15/2023	1,279.45		1,279.45	510-430-51010
JULY 2023 FIN	7	Employee Health Insurance	Invoice	06/15/2023	07/15/2023	255.90		255.90	520-440-51010
Total JULY 2023 FINAL INVOICE:						6,397.27	.00	✓ 6,397.27	
Total 1520 CIS TRUST:						6,980.38	.00	✓ 6,980.38	25720
<b>1800 Consumers Power Inc.</b>									
06082023	1	1152418	Invoice	06/08/2023	07/07/2023	144.21		144.21	510-430-52109
Total 06082023:						144.21	.00	144.21	
Total 1800 Consumers Power Inc.:						144.21	.00	✓ 144.21	25721
<b>2670 Ferguson Enterprises Inc</b>									
1206685	1	materials	Invoice	06/21/2023	07/21/2023	1,485.10		1,485.10	500-420-52011
Total 1206685:						1,485.10	.00	1,485.10	
Total 2670 Ferguson Enterprises Inc:						1,485.10	.00	✓ 1,485.10	25722
<b>7509 Good Earth Pest Company</b>									
423220	1	Pest Control	Invoice	06/14/2023	07/14/2023	320.00		320.00	100-900-52019
Total 423220:						320.00	.00	320.00	
Total 7509 Good Earth Pest Company:						320.00	.00	✓ 320.00	25723

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
<b>4480 Mission Communications</b>									
1076869	1	Service Package Water Storage	Invoice	06/08/2023	07/07/2023	2,222.81		2,222.81	500-420-52022
Total 1076869:						2,222.81	.00	2,222.81	
Total 4480 Mission Communications:						2,222.81	.00	2,222.81	25725
<b>5360 Pat Hare</b>									
06262023	1	Admin	Invoice	06/26/2023	06/30/2023	1,100.00		1,100.00	100-100-50010
06262023	2	PS	Invoice	06/26/2023	06/30/2023	100.00		100.00	100-200-50010
06262023	3	Water	Invoice	06/26/2023	06/30/2023	600.00		600.00	500-420-50010
06262023	4	WW	Invoice	06/26/2023	06/30/2023	160.00		160.00	510-430-50010
06262023	5	SD	Invoice	06/26/2023	06/30/2023	40.00		40.00	520-440-50010
Total 06262023:						2,000.00	.00	2,000.00	
Total 5360 Pat Hare:						2,000.00	.00	2,000.00	25726
<b>7502 Peterson Cat</b>									
SB290007200	1	Credit Memo	Invoice	05/15/2023	05/15/2023	977.46-		977.46-	510-430-52011
Total SB290007200:						977.46-	.00	977.46-	
SW290084706	1	Work Order 2964780	Invoice	05/15/2023	06/15/2023	977.46		977.46	510-430-52011
Total SW290084706:						977.46	.00	977.46	
Total 7502 Peterson Cat:						.00	.00	.00	NA
<b>999 Utility Refund</b>									
1109.11		Water	Invoice	06/20/2023	07/20/2023	28.14		28.14	500-420-52105
1109.11		Wastewater	Invoice	06/20/2023	07/20/2023	18.76		18.76	510-430-52105
Total 1109.11:						46.90	.00	46.90	25718
1239.09		Water	Invoice	06/23/2023	07/23/2023	18.40		18.40	500-420-52105
1239.09		Wastewater	Invoice	06/23/2023	07/23/2023	12.27		12.27	510-430-52105
Total 1239.09:						30.67	.00	30.67	25724
1480.02		Water	Invoice	06/16/2023	07/15/2023	29.33		29.33	500-420-52105
1480.02		Wastewater	Invoice	06/16/2023	07/15/2023	19.55		19.55	510-430-52105
Total 1480.02:						48.88	.00	48.88	25729
1543.02		Water	Invoice	06/16/2023	07/16/2023	9.16		9.16	500-420-52105
1543.02		Wastewater	Invoice	06/16/2023	07/16/2023	6.10		6.10	510-430-52105
Total 1543.02:						15.26	.00	15.26	25727
Total 999 Utility Refund:						141.71	.00	141.71	
<b>7130 Verizon</b>									
9936568807	1	Phone	Invoice	06/14/2023	06/28/2023	99.46		99.46	510-430-52110
9936568807	2	Phone	Invoice	06/14/2023	06/28/2023	99.46		99.46	500-420-52110
9936568807	3	Phone	Invoice	06/14/2023	06/28/2023	737.72		737.72	100-900-52110

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Discount Amount	Net Invoice Check Amount	GL Account Number
Total 9936568807:						936.64	.00	936.64	
Total 7130 Verizon:						936.64	.00	936.64	25728
Total :						14,427.22	.00	14,427.22	
Grand Totals:						14,427.22	.00	14,427.22	

Summary by General Ledger Account Number

GL Account Number	Debit	Credit	Net
100-100-50010	1,100.00	.00	1,100.00
100-100-51010	1,023.56	.00	1,023.56
100-100-52103	127.11	.00	127.11
100-200-50010	100.00	.00	100.00
100-200-51010	63.97	.00	63.97
100-200-52103	9.84	.00	9.84
100-300-51010	383.84	.00	383.84
100-300-52103	29.10	.00	29.10
100-900-52019	320.00	.00	320.00
100-900-52110	737.72	.00	737.72
200-410-51010	319.86	.00	319.86
200-410-52103	24.15	.00	24.15
500-420-50010	600.00	.00	600.00
500-420-51010	3,070.69	.00	3,070.69
500-420-52011	1,485.10	.00	1,485.10
500-420-52022	2,222.81	.00	2,222.81
500-420-52103	261.90	.00	261.90
500-420-52105	85.03	.00	85.03
500-420-52110	197.87	.00	197.87
510-430-50010	160.00	.00	160.00
510-430-51010	1,279.45	.00	1,279.45
510-430-52011	977.46	977.46-	.00
510-430-52103	110.58	.00	110.58
510-430-52105	56.68	.00	56.68
510-430-52109	144.21	.00	144.21
510-430-52110	197.42	.00	197.42
520-440-50010	40.00	.00	40.00
520-440-51010	255.90	.00	255.90
520-440-52103	20.43	.00	20.43
Grand Totals:	15,404.68	977.46-	14,427.22

Summary by General Ledger Posting Period

GL Posting Period	Debit	Credit	Net
05/23	977.46	977.46-	.00
06/23	14,427.22	.00	14,427.22

Summary by General Ledger Posting Period

GL Posting Period	Debit	Credit	Net
Grand Totals:	15,404.68	977.46-	14,427.22

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6/25/23



**ADAIR VILLAGE PATROL**  
 May 25, 2023 - June 24, 2023

**Benton County Sheriff's Office - Adair Patrol Activity Log**

Date/Time	Call #	Total Time	Deputy	Con- tacts	Traffic		Arrests		Notes
					Warn	Cite	Cite	Cust	
<b>Patrol</b>									
052523 23:36:59	2023099556	2:05:13	Hardison			3			PATROLLED CITY STREETS/HIGHWAY 99W/ODFW/CALLOWAY CREEK. TWO TRAFFIC STOPS/THREE WARNINGS GIVEN FOR TRAFFIC VIOLATIONS.
052723 00:31:30	2023100414	1:00:00	Gevatosky						No activity
052723 09:56:50	2023100577	1:17:04	Lyman	4		1			Patrolled city streets, park, Ryals; 1 traffic stop / 0 cites, 1 warning; 4 citizen contacts
052823 00:55:19	2023101229	1:00:00	Gevatosky						No activity
052923 01:51:38	2023101971	0:59:31	Sinclair						no stops/contacts.
053123 01:32:36	2023103450	1:00:07	Hardison						PATROLLED CITY STREETS/HIGHWAY 99W/CALLOWAY CREEK/ODFW. NO ACTIVITY.
053123 09:03:13	2023103581	0:44:38	Bottorff						Worked on computer, patrolled adair city streets. No stops or citations.
053123 23:54:41	2023104185	0:46:41	Hesseling	2					2 citizen contacts; 0 stops
060123 04:56:31	2023104262	1:03:43	Hardison						PATROLLED CITY STREETS/HIGHWAY 99W/SCHOOL/ODFW/BUSINESSES.
060223 07:57:17	2023105151	1:07:31	Blaser			1			1 stop-warning for speed
060423 10:58:37	2023106969	1:06:46	Lyman	5		2			2 stops - 0 cites, 2 warnings; 5 citizen contacts. patrolled city streets, parks, surrounding arterial roads
060423 18:40:44	2023107294	1:00:03	Davison			1			one stop for speed with a warning. Patrolled local streets.
060623 23:39:19	2023109166	1:59:46	Hardison			2			PATROLLED CITY STREETS/HIGHWAY 99W/SCHOOL/PARK/ODFW/BUSINESSES/CALLOWAY CREEK. ONE TRAFFIC STOP/TWO WARNINGS GIVEN FOR TRAFFIC VIOLATIONS.
060723 06:56:58	2023109266	2:19:43	Bottorff	3		1			1 stop and warn for speeding in school zone. 3 citizen contacts (not enforcement). Patrolled city streets, adair park.
060723 09:45:45	2023109377	1:21:43	Lundy						No activity
060823 03:50:48	2023110050	2:08:20	Hardison	1					PATROLLED CITY STREETS/HIGHWAY 99W/SCHOOL/PARK/ODFW/BUSINESSES/CALLOWAY CREEK. ONE CITIZEN CONTACT.
060823 08:08:31	2023110116	0:59:13	Blaser						No activity
060823 13:52:48	2023110383	0:56:05	Lundy						No activity
061023 04:59:32	2023111759	1:02:45	Hardison	4					PATROLLED CITY STREETS/HIGHWAY 99W/SCHOOL/ODFW/CALLOWAY CREEK. CHECKED ON ONE SUSPICIOUS VEHICLE/4 CITIZEN CONTACTS.
061123 19:03:21	2023113039	1:03:33	Ball						NO ACTIVITY TO REPORT. HANDLED ONE CALL FOR SERVICE.
061323 06:55:42	2023114215	0:58:06	Bottorff						School zone patrol.
061323 23:17:08	2023114878	3:05:03	Hardison	1					PATROLLED CITY STREETS/HIGHWAY 99W/SCHOOL/ODFW/CALLOWAY CREEK/BUSINESSES. TRAINING AND CHECKED FOR SUSPICIOUS ACTIVITY NEAR COFFIN BUTTE LANDFILL DUE TO RECENT THEFTS. ONE CITIZEN CONTACT (PUBLIC ASSIST) FOR OPEN GARAGE ON BARBERRY DRIVE.
061423 13:40:48	2023115269	1:18:25	Blaser						No activity
061523 00:22:55	2023115739	1:59:17	Hardison						PATROLLED CITY STREETS/HIGHWAY 99W/SCHOOL/BUSINESSES/ODFW/AERODROME PARK/CALLOWAY CREEK. NO ACTIVITY.
061623 23:52:20	2023117382	2:00:28	Hardison						PATROLLED CITY STREETS/BUSINESSES/SCHOOL/ODFW/HIGHWAY 99W/AERODROME PARK. NO ACTIVITY.
061923 09:54:06	2023118968	0:10:21	Lochner						No activity
061923 17:42:43	2023119269	0:59:17	Davison			1			1 stop with a warning. Patrolled local streets and park.
062023 10:43:37	2023119643	0:49:27	Lundy						No activity



**CHAPTER 40  
PUBLIC NUISANCES AND ABATEMENT**

[Ord. 2008-02 replaced Ord. 01/02 IB, -update to be enacted as Ord. 2012-001]

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TITLE IV – PUBLIC PROTECTION

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Chapter 40-Public Nuisance-2012

**CHAPTER 40  
PUBLIC NUISANCES AND ABATEMENT**

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- ~~40.705 Penalties~~
- ~~40.710 Abatement~~
- ~~40.715 Imminent Nuisance Abatement~~
- ~~40.720 Notice of Violation and Abatement~~
- ~~40.725 Costs to Become a Lien~~
- ~~40.730 Interference with Abatement Personnel Prohibited~~
- ~~40.735 Obligations~~
- ~~40.810 General Nuisances~~
- ~~40.820 Declaration of Nuisance and Abatement Notice~~
- ~~40.830 Appeal~~
- ~~40.840 Abatement by City~~
- ~~40.850 Assessment of Costs~~
- ~~40.860 Summary Abatement~~

**CHAPTER 40**  
**PUBLIC NUISANCES AND ABATEMENT**

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**CHAPTER 40  
PUBLIC NUISANCES AND ABATEMENT**

**TITLE, SCOPE, AND AUTHORITY ADMINISTRATION**

40.005 -Title. -This Chapter may be cited as the Public Nuisance and Abatement Ordinance of the Public Protection section of the City of Adair Village City Code.

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40.010 -Purpose and Scope.

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~~(+)~~ It is the ~~purpose~~purpose of this Chapter to define conditions which exist that may endanger the life, limb, health, safety, or welfare of the general public or negatively affect the livability or property values of the residents or property owners of Adair Village and to provide a just, equitable, and practicable method to prohibit and abate these conditions.

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40.020-015 General Authority.

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(1) The ~~c~~City ~~a~~Administrator, upon consent and direction of the ~~c~~City ~~c~~Council, is responsible for the administration, enforcement, and oversight of this ~~c~~Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.

(2) The ~~c~~City ~~a~~Administrator may designate enforcement officers to assist in enforcing this ~~c~~Chapter.

40.020 Conflicting provisions. Where there is a conflict between the requirements of this chapter and the State Building Code, the more restrictive shall apply.

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**DEFINITIONS**

40.025+10 -Definitions. As used in ~~this Chapter, Sections 44.110 to 44.865,~~ the singular includes the plural and the masculine includes the feminine. Except where the context indicates otherwise, the following shall mean:

(1) City. The City of Adair Village.

(2) Council. The governing body of the ~~City~~city.

~~Person in charge of property. Any agent, occupant, lessee, tenant, contract purchaser, apartment manager or other person not an owner having the possession or control of property or supervision of a construction site.~~

(3) Enforcement officer. Any authorized agent of the ~~c~~City, including law enforcement officers, code enforcement officers, or ~~c~~City ~~a~~Administrator or his designee, of the City of Adair Village.

~~(4) Motor vehicle. Any self-propelled vehicle which as originally built contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.~~

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(5) Person in charge of property. Any agent, occupant, lessee, tenant, contract purchaser, apartment manager or other person not an owner having the possession or control of property or supervision of a construction site.

(6) Person. Every natural person, firm, partnership, ~~association~~association, or corporation.

(7) Person responsible. The person responsible for a nuisance is:

(a) The owner of the property on which the nuisance exists; and/or

(b) The person in charge of the property on which the nuisance exists; and/or

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(c) The person who created or caused the nuisance to come into or continue in existence.

(8) Property. The owner's lot or tract of land, whether improved or vacant, all easements of record, and the sidewalk, curb, gutter, and parking area of any street abutting such lot or tract of land.

(9) Public place. Any building, place, or accommodation, whether publicly or privately owned, open and available to the public.

(10) Public transportation facility. Any property, structure or equipment used for or in connection with the transportation of persons for hire by rail, air, or bus, including any railroad cars, buses or airplanes used to carry out such transportation. As defined in ORS 164.365.

(11) Public way. Includes, but is not limited to the full width of the public right-of-way for roads, streets, alleys, lanes, bicycle and pedestrian paths, trails, sidewalks, beaches, parks, and all recreational facilities operated by the state, a county, or ~~at the~~ the City for use by the general public.

(12) Vehicle owner. Any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

(13) Waters of the State. Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon. As defined in ORS 468.700.

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**PROPERTY MAINTENANCE**

40.105 Adair Village Property Maintenance Code.

(1) The Adair Village Property Maintenance Code is based on the following:

(a) The 2021 Edition of the International Property Maintenance Code (IMPC), first printing:

(i) Chapters 1 through 8 except for Chapters 107 and 108;

(A) Section 101.1 shall read "[...] Property Maintenance Code of Adair Village [...]";

(B) Section 302.4 shall read "[...] in excess of 10 inches." This shall also include trees and shrubs, all of which shall be maintained as to not be unsightly, a fire hazard, a safety hazard, or maturing and going to seed. Blackberry bushes shall not cross property lines;

(b) Appendix A of the IMPC

(2) Appendix B of the IMPC is not adopted as part of the Adair Village Property Maintenance Code.

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40.110 Order to vacate.

(1) If the building, structure, or premises is in such condition as to make it immediately dangerous to the life, limb, property, or safety of its occupants or the public, it shall be ordered to be vacated.

(2) If the city administrator or their designee has determined that the building, structure, or premises must be vacated, the notice and order shall require that it be vacated within a time certain from the date of the order, as determined by the city administrator or their designee to be reasonable.

(3) Every notice to vacate shall, in addition to being served as provided in IPMC Section 111.4.2, be posted at or upon each exit of the building and shall be in substantially the following form:

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CONDEMNED BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

City of Adair Village

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40.115 Recording notice of substandard or nonconforming condition(s).

TITLE IV – PUBLIC PROTECTION

5

Chapter 40-Public Nuisance-2012

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In instances of continued noncompliance with any provisions of this title, and after notice has been given by the city administrator or their designee regarding deficient, substandard, noncomplying, or nonconforming condition(s) relating to the property, premises, or structures, the city administrator may, in addition to other remedies, record upon the title of the property a notice of substandard or nonconforming condition(s). Any such notice shall include a detailed description of the substandard or nonconforming condition(s) and may only be removed once the substandard or nonconforming condition(s) is/are abated. Enforcement costs shall be paid prior to any removal of liens or notices resulting from enforcement action.

40.120 Properties ordered vacated and posted.

It is unlawful for any owner, authorized owner's agent, or any other individual to enter a vacated and posted structure, premises, or land without the consent of the city administrator. This consent shall be notated in the property's file and shared with agencies enforcing the matter.

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**NUISANCES AFFECTING PUBLIC HEALTH OR LIVABILITY**

40.240-205 Nuisances Affecting the Public Health. The following are hereby declared to be nuisances affecting the public health, ~~and may be abated in the manner prescribed by Sections 44.710 to 44.760.~~ No resident, tenant, property owner, or property manager shall knowingly cause or permit any such activity to occur on property owned or managed by such person.

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(1) Privies. Any open vault or privy, except those privies used in connection with construction projects and constructed in accordance with the Oregon State Board of Health regulations.

~~(2) Debris on private property. Accumulations of debris, rubbish, manure and other refuse which have not been removed within a reasonable time and which affect the health, safety or welfare of the city.~~

~~(3) Stagnant water. Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other similar insects.~~

(24) Water pollution. The pollution of any body of water, stream or river by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

~~(5) Food. All decayed or unwholesome food offered for human consumption.~~

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

~~(7) Junk.~~

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

~~(b) The term "junk" as used in this section includes, but is not limited to: motor vehicle parts, abandoned automobiles, inoperable machinery or parts, operable or inoperable appliances or parts thereof, old iron or other metal, glass, paper, lumber, wood, brush piles or other accumulated yard wastes, broken tables, chairs, or other waste or discarded material.~~

~~(8) Unusable firewood. Any firewood that does not meet the following definition of "Usable Firewood." "Usable Firewood" has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. "Usable Firewood" must be neatly stacked. Any firewood not meeting this description is "Unusable Firewood."~~

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40.210 Debris, garbage, and junk.

(1) It is hereby determined and declared that the keeping of any debris, garbage or junk out of doors on any street, public sidewalk, lot, or premises within the city, is a nuisance and is unlawful.

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(2) The following shall be removed, and shall be kept removed, unless specifically authorized by ordinance to do otherwise:

(a) Debris.

- (i) Accumulations of litter, scrap materials (such as wood, metal, paper, glass and plastics), empty containers (such as glass, plastic, or metal), pieces of asphalt, concrete, lumber or other building supplies, junk, combustible materials, and stagnant water.
- (ii) All dead bushes, dead trees, stumps, and yard clippings or cuttings of plant material, except for such material which:  
(A) Is being maintained as part of a naturescaped property; and  
(B) Does not result in a nuisance as otherwise defined in this code.
- (iii) The remains of something broken down or destroyed; or the accumulations of any other items not designed for outdoor storage.

(b) Garbage.

- (i) All household garbage, offal, dead animals, animal and/or human waste, food waste, refuse, rubbish, trash, and all other useless or discarded material.

(c) Junk.

- (i) Accumulations of wood pallets.
- (ii) All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.
- (iii) All inoperable motor vehicles, in which multiple major components are defective or removed for more than 30 consecutive days; any motor vehicle which has been unlicensed for more than 30 consecutive days; defective motor vehicle parts, abandoned automobiles, used tires, inoperable and defective machinery, or parts thereof, inoperable and defective appliances and parts thereof, metal portions of inoperable machinery.
- (iv) All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration, which are reasonably expected to be used at the site.
- (v) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
- (vi) All furniture, except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
- (vii) All empty glass, plastic, or metal containers.
- (viii) All other non-trash items which:  
(A) Are of a type or quantity inconsistent with normal and usual use; or  
(B) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

40.220215 -Accumulation of Solid Waste.-

(1) Except as provided by county or state law, no person shall store, collect, maintain, or display on private property, waste or solid waste that is offensive or hazardous to the health and safety of the public, or which creates and offensive odor or a condition of unsightliness. Storage, collection, maintenance, or display of waste or solid waste in violation of this section shall be considered to be a public nuisance.

(2) It shall be unlawful for any person to cause dirt, rock, debris, building materials,

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landscaping materials, dumpsters, or any other objects to be placed upon a public way, public place, public park, or right-of-way.

(1a) Accumulations of such objects in such places which remain after 5:00 p.m. on the day of accumulation or any accumulation which creates a hazard by obstructing vehicular or pedestrian traffic may be immediately removed by the City and the cost of removal may be charged to the person causing the accumulation, at a rate set by Resolution of the City Council.

(2b) The City shall refuse to issue an occupancy permit for a building to any person who has failed to pay charges incurred under subsection one (1a) of this ordinance section incidental to the construction of the building for which the occupancy permit is sought.

~~40.225220~~ Littering. As provided in Oregon Revised Statutes (ORS) 164.805, a person commits the violation of offensive littering if the person creates an objectionable stench or degrades from the natural cleanliness or safety of property by intentionally:

(1) Discarding or depositing any rubbish, trash, garbage, debris, or other refuse or solid waste upon the land of another without permission of the owner, or upon any public way or place, or in or upon any public transportation facility.

(2) Draining or causing or permitting to be drained, garbage, debris, or other refuse or solid waste upon any public way or place or in or upon any public transportation facility.

(3) Permitting any rubbish, trash, garbage, debris, or other refuse or solid waste to be thrown from a vehicle which the person is operating. However, this paragraph does not apply to a person operating a vehicle transporting passengers for hire subject to the regulation by the Interstate Commerce Commission or the Public Utility Commission of Oregon, or to a person operating a school bus, described under ORS 801.460.

~~(3) —~~

~~40.230~~ Dumping. Except at landfills, transfer sites, or recycling depots approved by the City Council, no person shall allow the accumulation or temporary storage of the following materials on any property:

~~(1) Bulky, unsightly materials including, but not limited to: operable or inoperable appliances, inoperable or abandoned vehicles or parts, building demolition wastes, industrial wood wastes, land-clearing debris, discarded furniture and bedding, or scrap metals for more than seven (7) days;~~

~~(2) Household rubbish, debris, or garbage for more than seven (7) days.~~

~~40.235225~~ Dumping in Waters. As provided in ORS 164.775, it is unlawful for any person to discard any glass, cans, or other similar refuse in any waters of the state, or within 100 yards of any waters of the state, other than in receptacles provided for the purpose of holding trash, debris, or other refuse.

~~40.240230~~ Livestock Animals and Fowl.

(1) No person shall keep or maintain any slaughterhouse or tannery in the City.

(2) No person shall keep or maintain any cattle, horses, hogs, goats, sheep, rabbits, poultry or other livestock or fowl in the City of Adair Village, except as permitted by Adair Village Land Use Development Code (AVLUDC) Section 6.401. This section shall not prohibit the keeping of domesticated animals, such as dogs, cats, birds and other animals that can be claimed as household pets where such pets can be kept safely in residential quarters. ~~(Amended Adair Village Ordinance 2010-06)~~

(3) Livestock animals or fowl kept or maintained contrary to provision of this ordinance are hereby declared to be a public nuisance, and may be abated as provided in the Adair Village Land Use Development Code Section 6.401 (8). ~~(Amended Adair Village Ordinance 2010-06)~~

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~~40.245- Animal Carcasses. No person shall permit any animal carcass owned by him or under his control to remain upon the public streets or places or exposed on private property for a period of time longer than is reasonably necessary to dispose of such carcass.~~

~~40.250235- Inadequate Sewage Disposal.~~ No person shall allow:

- (1) The discharge of raw or partially treated sewage onto the ground surface or into the waters of the state.
- (2) Placing into use an existing on-site sewage disposal system.
- (3) Installation, replacement, or repair of an on-site sewage disposal system.

~~40.260240- Unauthorized Disposal of Offensive Substances.~~ As provided in ORS 164.785:

(1) It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into, or in any other manner befoul, pollute, or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern, or pond of water.

(2) It is unlawful for any person to place or cause to be placed any polluting substance listed in subsection ~~one~~ (1) of section onto any road, street, alley, lane, railroad right of way, lot field, meadow, or common. It is unlawful for any owner thereof knowingly to permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state.

(3) Nothing in this section applies to the storage or spreading of manure or like substance for agricultural or horticultural purposes, except that no sewage sludge, septic tank, or cesspool pumpings, or fish remains shall be used for these purposes, unless treated and applied in a manner approved by the Department of Environmental Quality, and upon application to and specific approval from the ~~city~~.

~~40.270245- Open Burning~~

(1) ~~Prohibited Fires.~~ No person shall conduct any outside open burning including kindling, maintaining or burning any bonfire, outdoor rubbish or waste fire or use any trash burners, incinerators or burn barrels nor authorize any such fires or use of such devices on private land, unless as authorized by the city as provided herein.

(2) ~~Fires Allowed with Permits.~~ Notwithstanding the prohibition in sub-section 1, the ~~city~~ ~~city~~ council may authorize otherwise prohibited fires for special events or occasions subject to the payment of the cost of the permit for inspection by the fire chief or city administrator or their designee.

(3) ~~Exempt Fires.~~ The following fires are exempt from the prohibition of this ordinance:

- (a) Fires for religious purposes;
- (b) Fires initiated by the Fire District for training purposes;
- (c) Fires associated with the operation of a business with a valid permit;
- (d) Barbecue pits;
- (e) Gas or charcoal barbecues;
- (f) Outdoor fireplaces;
- (g) Backyard burning of vegetative debris from -gardening or pruning.

(4) ~~Requirements for Allowed and Exempt Fires.~~ All outdoor fires allowed under this chapter shall comply with the following requirements:

- (a) All fires shall conform with Section 307 of the Oregon Fire Code.
- (b) All fires shall comply with the regulations established by the Fire District.

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- (c) All fires shall occur only after checking with appropriate authority-Adair Fire District or Corvallis Fire Department-to determine that fires are permitted on that specific day.
- (d) All fires shall occur only in the presence of an adult who shall be present at all times the fire is burning and shall constantly monitor the fire.
- (e) Approved on-site fire extinguishing equipment shall be located at the fire (see Oregon Fire Code, Sec. 307.5).

~~40.280-250. State fireworks regulations adopted.~~ The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this section: ORS 480.110, 480.120, 480.130, 480.140(1) and 480.150. ~~(Section 40.285 Amended Adair Village Ordinance 2008-11 and 2009-03)~~

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~~40.255. General Nuisances. In addition to those nuisances specifically enumerated within this ordinance, every other thing, substance, or act, which is determined by the city council or city administrator to be injurious or detrimental to the public health, safety, welfare, or peace of the city is hereby declared to be a nuisance.~~

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~~40.290. Penalties. Penalties for violation of Section 40.200 Nuisances Affecting Public Health will be established by Resolution by the Adair Village City Council.~~

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**ATTRACTIVE NUISANCES**

~~40.310-260. Attractive Nuisances.~~

- (1) No owner or person in charge of any premises shall permit:
  - (a) Any machinery, equipment or other devices on such premises which are attractive and dangerous;
  - (b) The piling of any lumber, logs or piling in such manner as to be attractive and dangerous;
  - (c) Any excavation to remain open without erecting proper safeguards or barriers to prevent such excavation from being accessible.
- (2) The provisions of this section shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death.

~~40.320. Abandoned Containers. No person shall leave in any place accessible to children any abandoned, unattended or discarded ice box, refrigerator or similar container which has an air-tight door with a snap lock or lock or other mechanism which may not be released for opening from the inside without first removing such lock or door from such ice box, refrigerator or similar container.~~

~~40.390. Penalties. Penalties for violation of Section 40.300 Attractive Nuisances will be established by Resolution by the Adair Village City Council.~~

**DUTY TO PREVENT NUISANCES**

~~40.410-305. Clean Sidewalks.~~ Each owner or person in charge of any premises, improved or

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unimproved, abutting upon any public sidewalk shall make a reasonable effort to remove:

(1) Leaves, rubbish, dirt and other litter or obstructions on such sidewalk. The provisions of this subsection shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to persons.

(2) Snow within a period no longer than twelve (12) hours after the snow has fallen.

(3) Ice from sidewalk covered with ice within twelve (12) hours after the ice has formed. Any ice accumulating on such sidewalk shall be removed or properly covered with sand, ashes, or other suitable material to assure safe travel.

~~40.420 Weeds, Grass and Other Vegetation~~

~~(1) No owner or person, in charge of any residentially zoned property, shall permit upon such property, improved or unimproved, or upon any parkway or sidewalk area abutting such property, any excessive growth of weeds, grass or other vegetation. Such excessive growth shall be deemed noxious vegetation, and it shall be the duty of every owner or person in charge of such property to cut down or otherwise destroy any noxious growth on such property or parkway or sidewalk area abutting thereon as often as necessary, to prevent such growth from being unsightly or a fire hazard, or maturing and going to seed.~~

~~(2) This section shall not apply to real property zoned and used exclusively for agricultural purposes.~~

~~(3) The term "noxious vegetation" applies to and describes the conditions listed below:~~

~~(a) grass and weeds more than ten inches high between April 1 and November 1;~~

~~(b) poison oak;~~

~~(c) poison ivy;~~

~~(d) blackberry bushes that extend into a public thoroughfare or across a property line;~~

~~(e) vegetation that is:~~

~~(i) a health hazard;~~

~~(ii) a fire hazard that is near other combustibles;~~

~~(iii) a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.~~

~~(f) noxious vegetation shall include trees and shrubs as well as other types of vegetation.~~

~~(4) Nothing in this section shall be construed to prohibit lawns, bushes, trees and other shrubbery grown or maintained for purposes of landscaping, nor shall it prohibit the growth or maintenance of any vegetation designed for food or fuel purposes, except that the owner or person in charge of any real property shall not permit the limbs of any shrub or tree projecting into or extending over the street to interfere with the use of the sidewalk or roadway, or to obstruct a driver's view of an intersection or traffic upon streets approaching an intersection or otherwise to constitute a hazard to the public. Trees shall be trimmed so that the minimum clearance of any overhanging portion thereof is eight (8) feet above the sidewalk and ten (10) feet above the roadway. Hedges and other shrubbery shall be trimmed so that they do not overhang the sidewalk or roadway. Trees, hedges and other shrubbery on corner lots shall be trimmed and maintained so as to permit the minimum clearance prescribed by the Zoning Ordinance.~~

40.43010 Trees, Bushes, and Vision Clearance. No person in charge of property shall allow:

(1) Upon property that abuts a street or public sidewalk, any trees or bushes on their property to interfere with street or sidewalk traffic. It shall be the duty of the person in charge of such property to keep all trees and bushes on the premises, including the adjoining parking strip, trimmed to a height of

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not less than eight feet above the sidewalk and not less than ten (10) feet above the roadway.

(2) A standing or dead tree that is a hazard to the public or to persons or property on or near their property.

(3) On their property at the intersection of two streets, any corner that does not provide a clear vision area at the corner of the intersection of two streets, a street and a railroad, a street and an alley, and driveways of parking lots open to the public.

(a) A clear vision area is a triangular area, two sides of which are:

\_\_\_i)\_\_\_ Twenty (20) feet along the lot lines, measured from the intersection of two streets or a street and a railroad and the third side of which is a line across the corner of the lot, joining the two lines. Where a lot has a rounded corner, the lot lines shall be extended in a straight line to a point of intersection and measured from that point;

\_\_\_ii)\_\_\_ Ten (10) feet along the lot lines measured from the intersection of a street and an alley, and the third side of which is a line across the corner of the lot, joining the two lines. Where a lot has a rounded corner, the lot lines shall be extended in a straight line to a point of intersection and measured from that point.

(b) A clear vision area shall contain no planting, fences, walls, structures, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade.

Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.

40.440315 Fences.

(1) No owner or person in charge of property shall construct or maintain any barbed-wire fence or allow barbed wire to remain a part of any fence which borders on any sidewalk or public pathway.

(2) No person shall install, maintain or operate an electric fence in any residential or commercial area within the City or adjacent to any sidewalk or public pathways.

All fences must meet the standards set in the Adiar Village Land Use Development Code Section 5.134- (3) Fencing.

~~40.450 Surface Waters, Drainage. No owner or person in charge of any building or structure shall permit rain water, ice, or snow to fall from any such building or structure onto a sidewalk or to flow across a sidewalk, and every such owner or person in charge of property shall at all times keep and maintain a proper state of repair adequate drain pipes or a drainage system so that any overflow water accumulating on the roof or about such building will not be carried across or upon any sidewalk.~~

40.460320 Zoning and Non-permitted Land Uses. The following acts are classified as public nuisances:

- (1) -Creating a use which is prohibited;
- (2) Creating or changing a use which requires a permit;
- (3) Expanding a use which is non-conforming;
- (4) Changing a use which is not permitted;
- (5) Failing to comply with conditions of a permit.

40.465325 Certain Buildings. The following are classified as public nuisances:

- (1) -All buildings or structures, or portions thereof, which are determined by the county building official to be dangerous;
- (2) Constructing a building without a permit as required by the Building Code;

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- (3) Placing a manufactured home without a permit;
- (4) Occupying or changing the use of a building or structure without an occupancy permit;
- (5) Selling or renting a dwelling which has been used as a clandestine drug lab without providing a written notice to the new owner or renter;
- (6) Making an electrical installation, water installation, sewer installation, or storm drain installation without a permit.

~~40.470~~ 40.330 Garbage and Recycling Containers

(1) Street Placement. Containers (garbage, recycling, yard debris, etc.) may not be placed on or along the street prior to 5:00 PM, on the day prior to the scheduled pickup day and must be removed by 8:00 AM the day after the scheduled pickup day.

(2) Placement of Property. Except as provided in subsection 1 above, containers (garbage, recycling, yard debris, ~~etc.~~) must be placed/stored upon the property of the customer/user in such a manner as to not be visible from the street adjacent to the subject property, except that containers may be stored -adjacent to the garage.

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~~40.474 Personal property not specifically designed for outdoor use. No person shall keep any personal property outdoors on or in any street, vehicle, lot, porch, or premises or in a building or other structure that is not wholly or entirely enclosed, except doors used for ingress and egress, unless that personal property was originally designed and manufactured for outdoor use.~~

~~40.476 Tools, equipment, and construction materials. All tools, equipment, and construction materials must be stored behind the plane of the front of the house. Tools and equipment as used here includes but is not limited to ladders, saws, wheelbarrows, tarps, hand tools, power tools, sprayers, and other equipment traditionally used in building construction and maintenance.~~

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~~40.480~~ 335 -Storing property on public ways.

(1) No person shall use any portion of the traveled roadway, adjacent planting strip, sidewalk or other portion of the public way or road right-of-way to store or keep recreational vehicles, utility trailers, recreational sports equipment, or personal property of any kind. -Such personal property must be kept fully within the owner's private property boundary in compliance with all relevant Adair Village Land Use Codes and City Ordinances.

(2) —Nothing in this section is intended to prohibit the active loading or unloading of vehicles ~~for a reasonable time~~, or the parking of vehicles in permitted parking areas as incidental to the use of the vehicle for travel.

~~40.510 Prohibited Action. At no time shall a person leave a vehicle unattended in any unsafe condition. An unsafe condition includes but is not limited to anytime the vehicle is left unattended with the engine running and the doors unlocked for more than 10 minutes; anytime any wheel or wheels have been removed from the vehicle, regardless of whether or not the vehicle is supported by a jack, jack stand, wood or concrete blocks; anytime the vehicle is elevated by any means other than having all wheels on the ground; allowing a vehicle to leak fluids such as oil or coolant onto a street or property; leaving the keys in the ignition; or any other unsafe condition likely create an attractive nuisance for children or the general public.~~

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~~40.490 Penalties. Penalties for violation of Section 40.400 Duty to Prevent Nuisances will be established by Resolution by the Adair Village City Council.~~

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**NUISANCES AFFECTING PUBLIC PEACE**

~~40.510405~~ Radio and Television Interference. No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes interference with radio or television reception. This section shall not apply to electrical and radio devices licensed, ~~approved~~ approved, and operated under the rules and regulations of the Federal Communications Commission.

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~~40.520410~~ Unnecessary Noise. No person shall make or assist in making any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

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(1) The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section but the enumeration shall not be construed to be exclusive:

- (a) The keeping of any bird or animal which by causing frequent or long continued noise may disturb the comfort and repose of any person in the vicinity;
- (b) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;
- (c) The use of any vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise;
- (d) The sounding of any horn or signalling device on any vehicle on any street or public private place, except as a necessary warning of danger;
- (e) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;
- (f) The erection, including excavation, demolition, alteration or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 10:00 p.m. daily, except Saturdays, Sundays and holidays when the hours shall be 10:00 a.m. to 8:00 p.m. In case of urgent necessity in the interest of the public welfare and safety, a permit may be granted by the ~~City~~ City Administrator for a period not to exceed ten days. Such permit may be renewed for periods of five days while such emergency continues to exist. If the Administrator shall determine that loss or inconvenience would result to any person unless such work were permitted within those hours, the Administrator may grant permission for such work to be done between the hours of 10:00 p.m. to 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work;
- (g) The use of any gong or siren other than by public officers for authorized purposes or on a police, fire or other emergency vehicle;
- (h) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;
- (i) The discharge in the open air of the exhaust of any steam engine, internal combustion engine, ~~motor boat~~ motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying



## CHAPTER 40 PUBLIC NUISANCES AND ABATEMENT

smoke;

(j) The use or operation of any automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker or any instrument for sound producing or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the eCity eCouncil permits may be granted for the broadcast or amplification of commercial or entertainment programs, or to any organization for the broadcast of programs of music, speeches, or general entertainment as a part of a national, state or eCity event, public festivals or outstanding events of a noncommercial nature, provided that such broadcast or amplification shall not exceed a decibel limit of 75 dB at the boundary of the property, whether from the instrument, speaker or amplifier. A permit may be granted for a parade as a part of a national, state or eCity event, public festivals or outstanding events of a noncommercial nature, even if it may cause short-term obstruction to the free and uninterrupted traffic, both vehicular and pedestrian;

(k) The making of any noise by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever. Exemption from this paragraph may be requested upon application to the eCity for a solicitors license (Ordinance 84/85 #1);

(l) The conducting, operating or maintaining of any garage or the repairing of motor vehicles at any residence within 100 feet of any other private residence, apartment, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m.

(n) The gathering of any number of persons upon premises, whether public or private, and the creation of noise from the collective voices of such persons between the hours of 9:00 p.m. and 7:00 a.m. that is plainly audible within any dwelling unit that is not the source of the sound.

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### 40.530-15- Notices and Advertisements.

(1) No person shall affix or post or cause to be affixed or posted any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the owner or person in control of private property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the eCity regulating the use of and the location of signs and advertising, or the posting of public notices.

(2) Except as otherwise provided by law, no person shall either as principal or agent scatter, deposit or distribute on the streets, sidewalks or other public places or upon any private property any placards or advertisements whatsoever.

(3) This section shall not be construed to prohibit the distribution of advertising material to persons during any parade or approved public gathering.

### 40.540-120. Curfew for Minor.

(1) Prohibition of Minors in Public. No minor shall be in or upon any street, highway, park, alley, or other public place or way between the hours specified in subsection two (2) of this section unless:

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- (a) The minor is accompanied by a parent, guardian or other person ~~twenty-one (21)~~ years of age or over and authorized by the parent or by law to have custody of the minor.
- (b) The minor is engaged in a lawful pursuit or activity which requires the minor's presence upon the street, highway, park, alley or other public place, and the minor has written authorization from a parent or guardian to be in a public place at that time.
- (c) The minor is emancipated under ORS 419B.550 to 419B.558.

(2) Applicable Hours. For the purposes of this section, the applicable hours of curfew are between 11 p.m. and 4 a.m. of the following morning except on Friday and Saturday night the curfew hours are between 11:59 p.m. and 4 a.m. of the following morning.

~~40.545-425~~ Parental Duties. No parent, guardian, or other person having legal custody of a minor under the age of 18 years shall permit the minor to be in violation of this Ordinance.

(1) The parent(s), guardian(s), or person(s) having the care and custody of a minor under the age of 18 years shall be deemed to have allowed the minor to violate this ordinance despite not having prior actual knowledge, if in the exercise of reasonable diligence, the parent, guardian, or person should have known that a violation would occur.

~~40.550-430~~ Open Container. No person, regardless of age, shall possess an open container of any beverage that contains any amount of intoxicating liquor upon any city owned or controlled property or on any public street or sidewalk. ~~(Amended Adair Village Ordinance 2008-11)~~

~~40.560-435~~ Park Regulations. No person shall cause destruction to city park property, act in or with prohibited behavior within a city park, be within a city park after park hours, and can be excluded from a city park for their behaviors, criminal ~~activity~~activity, or violations of city ordinances.

(1) Destruction of Park Property.

- (a) No person shall remove, destroy, break, injure, mutilate or deface in any way or other property, including but not limited to any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, or flower, in any city park.
- (b) No person shall use towels in any improper manner or waste soap or toilet paper, or deface, mar, destroy, break, write on, or scratch a wall, floor, ceiling, partition, fixture, or furniture or the facilities provided in a public convenience station located in any city park.

(2) Prohibited Behavior.

- (a) No person shall sleep on the seats or benches, or use loud, boisterous, threatening, abusive, indecent language, or behave in a disorderly manner, while in any city park.
- (b) No person shall blow, ~~spread~~spread, or place any nasal or other bodily discharge, or spit, urinate or defecate in any city park, except directly into the particular fixture provided for that purpose.
- (c) No person shall place a bottle, can, cloth, rag, or metal, wood or stone substance in the plumbing fixtures in such station.
- (d) No person shall enter or remain in any city park while in a visibly intoxicated condition.
- (e) No person shall use tobacco products while in the skateboard park.

(3) Park Hours. No person shall be or remain inside of any city park during hours that the park is closed, said hours to be set forth at each entrance to a park, unless passing through the park to an adjoining street.

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(4) Violations.

(a) In addition to any other penalty which may be provide by this ~~c~~City ~~c~~Code, a peace officer, ~~city administrator or designee~~ may exclude from all city parks for a period of not more than thirty (30) days, any person who violates any sections of ~~40.550430~~, or who violates any Oregon Revised Statues dealing with public peace, destruction or vandalism to property, injury of any degree to a person, controlled substances, weapons, or any inappropriate prohibited conduct sanction under ~~c~~City ~~c~~Code or the Oregon Revised Statues, while in a city park.

(b) Written notice shall be given to a person excluded from the parks. The notice shall specify the dates of exclusion and shall be signed by the issuing officer. Warning of consequences for failure to comply shall be prominently displaced on the notice.

(c) A person receiving a notice may, within ten days, appeal in writing to the ~~c~~City ~~a~~Administrator to have the written notice rescinded or the period shortened.

(d) At any time within the 30 days, a person receiving a notice may apply in writing to the ~~c~~City ~~a~~Administrator for a temporary waiver from the effects of the notice for good reason. ~~(Section 40.560 Amended Adair Village Ordinance 2010-01)~~

~~40.590 Penalties. Penalties for violation of Section 40.500 Nuisances Affecting Public Peace will be established by Resolution by the Adair Village City Council.~~

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**JUNKED, ABANDONED, AND INOPERABLE MOTOR VEHICLES**

~~40.610 Definitions. As used in this ordinance, unless the context requires otherwise:~~

~~(1) Abandoned vehicles:~~

~~(a) No person shall store or permit to be stored on a public right-of-way without permission of the City, an operable motor vehicle, for a period of excess of 15 days. Failure to move the vehicle at least one mile in the 15 days allowed will result in a violation.~~

~~(b) If a vehicle has out of date registration or is otherwise an inoperable vehicle and is on the public right of way, it will automatically be considered abandoned. (Amended Adair Village Ordinance 2008-06)~~

~~(2) Discarded or Inoperable Vehicle. Any and all of the following:~~

~~(a) Any vehicle or motor vehicle which cannot be started or legally or physically operated on city streets or public highways by virtue of lacking the equipment required by the laws of the state of Oregon.~~

~~(b) Any vehicle or motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or state of disrepair.~~

~~(c) Discarded or inoperable vehicles include major parts of vehicles, including but not limited to, bodies, engines, transmission or rear ends.~~

~~(d) For the purposes of this section, a showing that a vehicle, if operated on a public highway of this state, would be in a regarding required equipment for motor vehicles, creates a rebuttable presumption that the vehicle is a discarded or inoperable vehicle.~~

~~(4) Property. The owner's lot or tract of land, whether improved or vacant, all easements of record, and the sidewalk, curb, gutter and parking area of any street abutting such lot or tract of land.~~

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~~40.615 Declaration of Public Nuisance. The open accumulation and storage of an inoperable or~~

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~~discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration, and unsightliness; to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for disease vectors such as, rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an inoperable vehicle or discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this ordinance.~~

### ~~40.620 Prohibited Action.~~

~~(1) It shall be unlawful to store or permit the storing of an inoperable or discarded motor vehicle for fifteen (15) days or more upon any private property within the City unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junk vehicles lawfully conducted within the city.~~

~~(2) At no time shall a person leave a vehicle unattended in any unsafe condition. An unsafe condition includes but is not limited to anytime the vehicle is left unattended with the engine running and the doors unlocked for more than 10 minutes; anytime any wheel or wheels have been removed from the vehicle, regardless of whether or not the vehicle is supported by a jack, jack stand, wood or concrete blocks; anytime the vehicle is elevated by any means other than having all wheels on the ground; leaving the keys in the ignition; or any other unsafe condition likely create an attractive nuisance for children or the general public.~~

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### ~~40.630 Towing of Vehicles.~~

~~(1) The City may contract the services of one or more competent towing service firms for the removal and storage of a vehicle deemed to be a nuisance. Said contract shall provide a schedule of charges for towing and storage of such vehicles. The owner of any vehicle towed as a result of abandonment or other enforcement action under this ordinance shall be solely responsible for any towing and storage fees incurred.~~

~~(2) Any vehicle towed will be towed pursuant to Oregon Revised Statutes (ORS) Chapter 98.~~

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### ~~40.640 Separate Violations.~~

~~(1) The owner and the occupant of the private property on which a violation any provision of this section is occurring and the owner of the inoperable motor vehicle in question are jointly and severally responsible to abate the nuisance. Every person who fails, neglects, or refuses to abate the nuisance commits a civil infraction.~~

~~(2) The abatement of a nuisance as herein provided shall not constitute a penalty for a violation of this ordinance, but shall be in addition to any penalty imposed for a violation of the ordinance.~~

~~(3) A separate offense may be deemed committed on each day during or on which a violation occurs or continues. The payment of any penalty does not exempt the offender from compliance with the requirements of this section. (4) No person, after abatement notification has been given, shall move the inoperable motor vehicle in question to any other private property upon which storage of such vehicle is not permitted or onto any public property or right of way.~~

~~40.690 Penalties. Penalties for violation of Section 40.600 Junked and Abandoned Cars will be established by Resolution by the Adair Village City Council.~~

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**CHRONIC NUISANCES**

~~40.719605- Chronic Nuisances.~~ If the person in charge fails to correct a violation after a thirty (30) day period, that violation will be considered a chronic nuisance and cited as such. ~~This section is applicable to Sections 40.200, 40.300, 40.400, 40.500, and 40.600.~~

~~40.610 Alternate 40.710- Chronic Nuisances.~~ Any person in charge of property who fails to correct a violation after a thirty (30) day period, or who is cited for three or more violations of the same specific violation of this- Code within a 90-day period will be considered to have committed a chronic nuisance and may be cited as such. ~~This section is applicable to Sections 40.200, 40.300, 40.400, 40.500, and 40.600.~~

~~40.790- Penalties.~~ Penalties for violation of Section 40.700- Chronic Nuisances will be established by Resolution by the Adair Village City Council.

**PENALTIES, ABATEMENT, AND APPEAL**

~~40.810- General Nuisances.~~ In addition to those nuisances specifically enumerated within this ordinance, every other thing, substance, or act, which is determined by the City Council or City Administrator to be injurious or detrimental to the public health, safety, welfare, or peace of the City is hereby declared to be a nuisance and may be abated as provided in Sections 40.810 to 40.860.

~~40.405 Continuation.~~ Every day, or portion thereof, during which any violation of any provision of this chapter is committed, continued or permitted, shall be a separate offense.

~~40.405 Penalties.~~ Any person or business entity which violates any term or provision of this chapter shall be subject to any or all of the following penalties:

(1) Penalty for First-Time Violation.

(a) In the case of a violation of this title or the Adair Village Development Code, a civil penalty of \$100 per violation shall be assessed, per day. If the violation has been corrected within 10 working days of the issuance of the citation, the civil penalty shall be reduced to \$50 per violation.

(2) Repeat Violations.

(a) In the case of subsequent violations of this title by the same person, business, or corporation within 24 consecutive months, the civil penalty for each subsequent violation shall be doubled and shall not be reduced.

(3) Chronic Nuisance.

(a) In the case of Chronic Nuisance, the civil penalty shall be tripled and shall not be reduced.

~~40.710 Abatement.~~ In addition to the penalties as provided for in other portions of this code, the city may initiate abatement of a nuisance. Abatements are classified into two categories: imminent nuisance abatement and regular abatement.

~~40.715 Imminent nuisance abatement.~~

~~(1) If a condition, substance, act, or nuisance exists that is detrimental to public health, safety, or welfare, it may summarily be abated if after inspection of the premises by the city administrator found to~~

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exist, and there is imminent danger to human life, safety, or to property. Determination of a condition, substance, act, or other occurrence constituting an imminent nuisance shall be made by the city administrator.

(2) No notice to the property owner or person in control of the property is required; however, an attempt shall be made to give or cause to be given notice to remove or abate such nuisance within 24-hours.

(3) If notice cannot be made and/or the nuisance has not been removed or abated within 24-hours, the city administrator is authorized to remove or abate the nuisance and the cost shall be charged against the property.

(4) Costs of abatement may be assessed as provided in this section.

40.720 Notice of violation and abatement. Where there is no imminent danger to human life, safety, or to property but a violation(s) is found to exist, the following noticing procedures will apply:

(1) Notice shall be posted on the premises where the condition, substance, act, or nuisance exists, directing that the owner, person in charge and/or person occupying the property abate the situation.

(2) At the time of posting, the city administrator or their designee shall hand deliver or send a copy of the notice by first class mail to:

- (a) Owner at the last known address as listed in the county tax assessor's office; and
- (b) The person in charge of the property or occupant if different from the owner.

(3) The notice shall contain:

- (a) A description of the real property, by street address or otherwise, on which the condition, substance, act, or nuisance exists;
- (b) A description of the condition, substance, act, or nuisance which must be abated;
- (c) A direction to abate the condition, substance, act, or nuisance within a time specified on the notice;

(d) A statement that unless the condition, substance, act, or nuisance is removed, the city may abate the situation, and the cost of abatement shall be a fee sufficient to cover the direct cost of removal, plus 30 percent for administrative overhead; and this total cost shall be charged to the owner;

(e) A statement that the owner or person in charge of the property may appeal the abatement by giving written notice to the city administrator or their designee within 10 days from the date of the notice;

(f) A statement that if the cost of abatement is not paid by the owner or person in charge of the property, the cost of abatement may be assessed to and become a lien on the property.

(4) After completion of the posting and delivering/ mailing, the person posting and delivering/ mailing the notice shall file this certificate with the city administrator or their designee stating the date and place of delivering/ mailing and posting.

(5) An error in the name or address of the owner or person in charge of the property or use of the name other than that of the owner or person in charge of the property shall not make the notice void, and in such case the posted notice shall be sufficient.

(6) The owner or person in charge of the property shall abate the condition, substance, act, or violation(s) specified in the notice within 10 days or as otherwise notated.

(7) Any person who shall receive a notice described in subsection (3) of this section may appeal the city administrator or their designee's decision by filing a notice of appeal, in writing, with the city administrator or their designee within 10 days after the posting and mailing of the notice. The appeal must specify the basis therefor.

(8) The appeal shall be referred to the city council for a hearing.

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(9) If the city council determines that the nuisance does exist, the owner or person in charge of the property shall abate the nuisance within such time as the city council may grant or, if no specific period of time is granted, within 10 days of the city council's decision.

(10) If the nuisance has not been abated within the time allowed the city administrator or their designee may cause the nuisance to be abated.

(a) Within 60 days of the date that abatement is taken, the city shall provide the owner or person in charge of the property with an accounting for costs of abatement.

(11) The person charged with the abatement of the nuisance shall have the right at reasonable times to enter upon the property to investigate or cause the removal of the situation.

(12) Remedies Nonexclusive. The procedures provided by this chapter are not exclusive, but are in addition to abatement procedures, fines/fees, and other remedies provided by other laws and ordinances.

(13) The failure of any person or owner to receive actual notice from the city administrator or their designee shall not invalidate or otherwise affect the proceedings under this chapter.

40.725 Costs to become a lien.

(1) If costs of abatement are not paid within thirty (30) days from:

(a) The date of the notice of costs; or

(b) If an appeal was timely filed, from the date of judge's determination of the costs, an assessment of the costs shall be made by resolution and shall be entered in the docket of city liens and may be recorded with Benton County as appropriate. When the entry is recorded in the city lien docket, the assessment shall constitute a lien upon the property subject to the abatement.

(2) The lien shall be enforced in the same manner as liens for assessment for local improvement districts and shall bear interest at judgment rate as determined by the Oregon Revised Statutes. The interest shall commence running on the date of entry of the lien in the city lien docket.

(3) An error in the name of the owner or person in charge of the property shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

40.730 Interference with abatement personnel prohibited. No person shall interfere with or deny access to any person authorized to enter premises and/or structure for the purposes of abatement.

40.735 Obligations. Under no circumstances shall this chapter obligate the city to undertake abatement. All provisions in this chapter which empower or authorize city action shall be permissive and not mandatory. The city, its officers, and employees shall be entitled to exercise discretion in determining the extent to which a hazard warrants a city response. Such considerations may include the apparent danger to public health, life, and property, financial resources available to the city for initiation of cleanup, other demands on city staff or financial resources, the likelihood that the costs of cleanup can be recovered from the owner of the premises or the responsible party, and the nature of the hazard. This enumeration is not exclusive and is intended only to illustrate the types of discretionary criteria the city may employ in determining whether or not a particular hazard warrants a city response.

40.820 Declaration of Nuisance and Abatement Notice. Upon determination by the City Council or the City Administrator that a nuisance as defined herein exists, the City Administrator shall cause a notice to abate to be mailed to the person(s) responsible at their last known address. The notice to abate shall contain:

(1) The name of the person(s) responsible for abating the nuisance and a description of the

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nuisance.

- ~~\_\_\_\_\_ (2) A description of the property, by street address or otherwise, where the nuisance exists.~~
- ~~\_\_\_\_\_ (3) A direction to abate the nuisance within ten (10) days from the date the notice was mailed.~~
- ~~\_\_\_\_\_ (4) A statement that unless the nuisance is abated or an appeal is filed within the ten (10) day period the City will abate the nuisance and the cost of the abatement will be charged to the person(s) responsible and will become a lien against the property.~~
- ~~\_\_\_\_\_ (5) A statement that the person(s) responsible may appeal the notice to abate to the City Council by filing a notice of appeal, which sets forth the basis for the appeal with the City Administrator within ten (10) days of the date the notice to abate was mailed.~~

~~40.830 Appeal.~~

- ~~\_\_\_\_\_ (1) If a notice of appeal is filed the Council shall hear the appeal at its first meeting after the filing of the notice of appeal. The City Administrator shall notify the person(s) responsible of the hearing date.~~
- ~~\_\_\_\_\_ (2) If, after conducting the hearing, the City Council determines that a nuisance does exist it shall order the person(s) responsible to abate the nuisance and shall specify the time in which the abatement must occur.~~

~~40.840 Abatement by the City. If, within the time fixed as provided by this ordinance, the nuisance has not been abated by the owner or person in charge of the property, the City Administrator may cause the nuisance to be abated and assess the cost thereof against the property, whether said assessment is for work done on said property, abutting thereon or adjacent thereto.~~

~~40.850 Assessment of Costs.~~

- ~~\_\_\_\_\_ (1) The City Administrator, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property, 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 60 days from the date of the notice.~~
  - ~~(c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the City Administrator not more than 30 days from the date of the notice.~~~~
- ~~\_\_\_\_\_ (2) After the expiration of 30 days from the date of the notice, the City Council, in the regular course of business, shall hear and determine the objections to the costs to be assessed.~~
- ~~\_\_\_\_\_ (3) If the costs of the abatement are not paid within 60 days from the date of the notice, an assessment of the costs as stated or as determined by the City 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 abated.~~
- ~~\_\_\_\_\_ (4) The lien shall be collected in the manner provided by the general laws of the State of Oregon for foreclosing liens and collecting assessments, and such lien shall bear interest at the highest rate of interest allowed by the laws of the State of Oregon per annum. Such interest shall commence to run 30 days after the entry of the lien in the docket.~~
- ~~\_\_\_\_\_ (5) An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.~~



**CHAPTER 40**  
**PUBLIC NUISANCES AND ABATEMENT**

~~40.860 Summary Abatement. Upon determination by the Mayor, the City Administrator or the City Administrator's designee that a nuisance as defined by this ordinance exists and that unless the nuisance be summarily abated the public health, safety or welfare will be endangered, such officer may act as follows:~~

- ~~\_\_\_\_\_ (1) He shall give or cause to be given notice to remove or abate such nuisance within 24 hours.~~
- ~~\_\_\_\_\_ (2) If the nuisance is not removed or abated within 24 hours he is authorized to remove or abate the nuisance and the cost shall be charged against the property and collected as provided in Sections 44.840 and 44.850.~~

~~40.870 Right of Lien. Upon a final determination of violation of any section of this ordinance, the City shall have the right, upon notice to the consumer, to record a lien against real property of the consumer which is located within the City limits of Adair Village, provided that the consumer has not timely satisfied any financial sanction imposed.~~

**CHAPTER 43  
PARKING AND STANDING VEHICLES**

[Enacted, Ord. 2013-01]  
[Replacing, Ord. 2009-01]  
[Amended, Ord. 2015-01]

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**TITLE, SCOPE, AND AUTHORITY ADMINISTRATION**

43.005 Title

This chapter may be cited as the Parking and Standing Vehicles section of the City of Adair Village City Code.

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**CHAPTER 43  
PARKING AND STANDING VEHICLES**

43.01043.010 Purpose and Scope.

(+) It is the purpose of this chapter to define conditions which exist that may prevent the free and easy flow of traffic and to provide a just, equitable, and practicable method to prohibit and abate these conditions within the boundaries of the City of Adair Village, Benton County, and State of Oregon.

(1)

(2) The open accumulation and apparent storage of an inoperable or discarded vehicles, trailers, and recreational vehicles is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration, and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors citizens, to create a harborage for disease vectors such as, rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of vehicles, trailers, and recreational vehicles, as described in the provisions below an inoperable vehicle or discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this ordinance.

43.01520 General Authority.

(+) The Chief of Police City Administrator, upon consent and direction of the City Council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.

(1)

(2) (2) The City Council may designate enforcement officers to assist the Chief of Police City Administrator in enforcing this Chapter.

43.02030 Severability.

(+) If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**DEFINITIONS**

43.025110 Definitions.

(1) Abandoned, means a vehicle left unoccupied and unclaimed, has out-of-date registration or in such a damaged, disabled, or dismantled condition that the vehicle is inoperable.

(+) Alley, As defined herein, a street through the middle of a block.

(2)

Bike Lane. A lane of travel designed specifically for bicycles to travel upon.

(3)

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## CHAPTER 43 PARKING AND STANDING VEHICLES

- (2) Bus stand. A fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.
- (4) Commercial Vehicle. -A general definition for a commercial vehicle is a vehicle that is used to transport people or property for profit. A commercial motor vehicle is defined by the Oregon Vehicle Code as a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds. The definition also includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight. This definition excludes fire trucks, emergency vehicles, motor homes and recreational vehicles operated solely for personal use.
- (3) Curb. The extreme edge of the improved portion of the roadway.
- (6) Emergency Vehicle. Any vehicle that is operated during the course of duty by a Police Officer, Reserve Police Officer, Code Enforcement Officer, Firefighter or Emergency Medical Technician.
- (8) Hazardous Vehicle. Any vehicle left in a location or condition that constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the city. For example, and not for limitation, the following are hazardous vehicles:
- (a) Vehicles blocking public or private rights-of-way.
  - (b) Vehicles leaking petroleum or other hazardous fluids.
  - (c) Vehicles blocking fire hydrants.
  - (d) Vehicles with broken glass/windows.
- (9) Highway. Any surface that is designed as a lane for travel for vehicles that is open to the public. Every public way, road, street, thoroughfare, and place, including bridges, viaducts, and other structures within the boundaries of this City, used, or intended for use of the general public for vehicles or vehicular traffic. (As per ORS 801.305)
- (1) Loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.
- (10) Park or parking. The standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while actually engaged/engaged in loading or unloading of property or passengers.
- (11) Pedestrian. Any person afoot.
- (12) Person. Every natural person, firm, partnership, association, or corporation.
- (13) Oversized vehicle. Any truck other than a pickup truck, any bus, any motor home, any vehicle to which a camper is attached, any combination of vehicles with an overall length of twenty-three (23) feet, or any vehicle exceeding seven (7) feet in width.

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**CHAPTER 43  
PARKING AND STANDING VEHICLES**

~~(4) Skates.~~ Includes roller skates, in-line roller skates, blades, skateboards, scooters, coasters, roller skis or any similar device that is used as a means of transportation.

~~(15)~~

~~(5) Skate operation.~~ The act of propelling skates by means other than carrying them.

~~(16)~~

~~(6) Traffic lane or roadway.~~ That portion of the roadway used for the movement of a single line of vehicles. That portion of a highway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. ~~(as As per ORS 801.450)~~

~~(17)~~

~~(5) Truck trailer.~~ Any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer, or self-supporting trailer, as this term is defined in the Oregon Vehicle Code.

~~(18)~~

~~— Vehicle.~~ Every device in, upon, or by which a person or property is or may be transported or drawn upon a public highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

~~(7)(1) — Emergency Vehicle.~~ Any vehicle that is operated during the course of duty by a Police Officer, Reserve Police Officer, Code Enforcement Officer, Firefighter or Emergency Medical Technician.

~~(8) Highway.~~ Any surface that is designed as a lane for travel for vehicles that is open to the public. Every public way, road, street, thoroughfare, and place, including bridges, viaducts, and other structures within the boundaries of this City, used, or intended for use of the general public for vehicles or vehicular traffic. ~~(as per ORS 801.305)~~

~~(19)~~

~~(9) — Bike Lane.~~ A lane of travel designed specifically for bicycles to travel upon.

~~(10) — Park or Parking.~~ The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

43.115.030 Emergency Vehicle Exemption.

- (1) -Emergency vehicles are hereby exempt from the rules established from this chapter when responding to an emergency.
- (2) -Not withstanding from subsection (1), when an emergency vehicle is standing at an emergency scene and is parked in a manner that may be potentially hazardous to pedestrians or other drivers, the operator of an emergency vehicle shall activate a visual warning device.

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## CHAPTER 43 PARKING AND STANDING VEHICLES

~~(1)~~ In any alley exceeding 5 consecutive minutes in any one-hour period or the actual time necessary to complete the act of loading or unloading, whichever is less;

~~(1)~~ Upon any street for the purpose of:

~~(1)(a)~~ Displaying such vehicle for sale;

~~(1)(b)~~ Greasing or repairing such vehicle except repairs necessitated by an emergency;

~~(1)(c)~~ Displaying advertising from such vehicle;

~~(2)~~ Upon any private property in the City without the consent of the owner or person in lawful possession or control of the property in excess of 48 hours. [Such as parking in the parking lot of Santiam Christian School];

(3) Upon any roadway except where specifically authorized by signage or order of a Police Officer, Designee of the Chief of Police, or Chief of Police;

(4) Upon any surface that is not improved or designed specifically for vehicle parking on private property;

(5) Upon any street where the curb is painted Yellow or Red by the City;

~~(6)~~ Upon any street or highway facing any direction other than with the flow of traffic.

~~(2)~~ The offense described in this section, Prohibited Parking, is a traffic violation

~~(6)~~

### ~~43.230.115~~ Parking Oversized Vehicles Prohibited.

~~(1)~~ No oversized vehicles shall be parked on any residential streets, street, alleys, or public rights-of-way within the city limits of Adair Village for more than seven (7) days four (4) consecutive days within any thirty (30) day period, without a valid permit issued by the City.

~~(2)~~ For the purposes of this section, the repositioning of any such vehicle or combination thereof from one parked position on City streets, alleys, or public rights of way within the city limits of Adair Village within 72 hours after it is moved shall not be treated as interrupting the continuity of the time it has been parked.

~~(3)~~ "Oversized vehicle" shall mean any truck other than a pickup truck, any bus, any motor home, or any vehicle to which a camper is attached. For the purposes of this section, any combination of vehicles with an overall length of 23 or exceeding seven (7) feet in width shall be a violation.

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## CHAPTER 43 PARKING AND STANDING VEHICLES

### ~~43.235-120~~ Prohibited Trailer and Recreational Vehicle Parking

- (1) No person shall park a motor home, travel trailer, recreational vehicle, utility trailer, boat trailer, truck with camper, camper, livestock trailer, or any other type of trailer designed to be pulled by a vehicle, or any other type of vehicle or trailer used for recreational purpose or sleeping, upon ~~City streets~~, any street, parking strips, alleys, public parks, or public ~~right of ways~~ rights-of-way within the city limits of Adair Village for more than four (4) ~~consecutive days~~ within any thirty (30) day period, without a valid permit issued by the ~~City~~.
- ~~(2) For the purposes of this section, the repositioning of any such vehicle or combination thereof from one parked position on City streets, alleys, or public rights-of-way within the city limits of Adair Village within 72 hours after it is moved shall not be treated as interrupting the continuity of the time it has been parked.~~
- ~~(3) No person shall be allowed to sleep, cook, or otherwise use any of the trailers or recreational vehicles as outlined in Section 1 as a means for housing, while parked upon any street, parking strip, alley, public park, or public rights-of-way without first receiving a permit from the City.~~

### ~~43.240-125~~ Commercial Vehicle Parking on Residential Streets

- (1) No person shall park a commercial vehicle, which includes Truck Trailer, semi, or full trailer, trailer designed to be towed by a truck trailer or tractor, or any part thereof upon a residential street.
- ~~(2) Commercial Vehicle. A general definition for a commercial vehicle is a vehicle that is used to transport people or property for profit. A commercial motor vehicle is defined by the Oregon Vehicle Code as a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds. The definition also includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight. This definition excludes fire trucks, emergency vehicles, motor homes and recreational vehicles operated solely for personal use.~~
- (3) It shall be a defense to any complaint alleging violation of this Section that the purpose of such parking was to actively load or unload goods, materials, or equipment at premises abutting the residential street for which there is no other access.

### ~~43.250-130~~ Parking Vehicle on City Street for Vending Purposes

- (1) No person shall park or leave standing a vehicle on a ~~City~~ street for the purpose of advertising, selling, or offering for sale any merchandise.

### ~~REMOVAL, ARREST, AND IMPOUNDMENT ENFORCEMENT~~

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## CHAPTER 43 PARKING AND STANDING VEHICLES

43.205 Execution. All enforcement actions allowed in this chapter are in addition to all enforcement actions allowed by the Oregon Revised Statutes.

### 43.210 Removal/Impoundment of Dangerously or Illegally Parked Vehicle.

The Chief of Police, or the Chief of Police's designee City administrator or designee, when upon finding a motor vehicle parked in violation Sections 43.105-240-43.130-250 of this ordinance chapter, may cause said vehicle to be removed from the street and impounded to a place of storage and shall not release said vehicle to its owner or person in charge thereof, unless bail first is posted for the offense and the actual charges for towing, storage, and impoundment are first paid at the owners expense.

### 43.220 Lien Upon Vehicle

The City shall have a lien on all vehicles impounded under Sections 43.220-43.240 for all bail and other lawful charges against said motor vehicle and said vehicle shall not be released to its owner without prior payment of any bail or other charges against said vehicle, plus actual expenses incurred by the City in impounding and storing said vehicle.

### 43.230 Requirement of Complain

Notice meeting the requirements of ORS 221.340-333 shall be sufficient to act as a complaint for violation of Sections 43.210-237, and any such notice placed in a conspicuous place on a motor vehicle in violation of Sections 43.210-237 shall be presumptive notice thereof to the owner and operator of such vehicle.

### 43.240 Arrest of Vehicle

Upon the failure of the owner or person in charge of any vehicle to post bail prior to or at the first scheduled court proceeding concerning the cited violation of any ordinance governing the parking of motor vehicles upon the streets or public properties within the City, the court may issue a warrant for the arrest of the motor vehicle. Any officer of this City may service the warrant by impounding the vehicle, if found within the corporate limits of this City, and he may go upon private property to so impound such vehicle. Any vehicle so impounded shall not be released to its owner without payment of all bail or other charges against said vehicle, plus actual expenses incurred by the City in impounding and storing said vehicle.

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## CHAPTER 43 PARKING AND STANDING VEHICLES

### 43.350 Notice of Impoundment

After any motor vehicle has been impounded as hereinbefore provided, the Chief of Police, City Administrator, or the Chief's his/her designee, shall, within three days of such impoundment, cause a registered letter to be sent, return receipt requested, to the registered owner and legal owner, if any, of the motor vehicle, as provided in ORS 483.384 (2).

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### 43.360 Immobilizing Vehicle

As an alternative to impoundment of a vehicle as provided by Section 43.255, any officer of this City may upon finding such vehicle within the corporate limits of this City, temporarily immobilize the same by installing on or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle. If such vehicle is so immobilized, the officer so installing or attaching such device shall conspicuously affix to such vehicle a notice in writing on a form provided advising the owner, driver, or person in charge of such vehicle the such vehicle has been immobilized by the City of Adair Village for violation of Sections 43.210, 237 and that release of such immobilization may be obtained at a designated place, that unless arrangements are made for release of such vehicle before 10:00 AM of the following day, the vehicle will be removed from the street at the direction of the Chief of Police, City Administrator, or his/her designee, of the City, and that removing or attempting to remove the device before a release is obtained is unlawful and containing such further information as the City shall deem necessary.

### 43.362 Impounding Immobilized Vehicle

Any vehicle immobilized under provisions of Section 43, 265-360, which is not lawfully released from immobilization by 10:00 AM of the following day shall be impounded and placed in storage.

### 43.364 Removal of Immobilization Device

Any person who attempts without proper authority to remove any device installed or attached to a motor vehicle under Section 43.265-360 before a release is obtained or who attempts to move such vehicle without first obtaining a release may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

### 43.366 Taking of Impounded Vehicle

Any person who attempts to take or drive away any motor vehicle impounded and stored by the City in any place, public or private, may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

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**CHAPTER 43  
PARKING AND STANDING VEHICLES**

43.320 Contents of pre-towing notice.

Notices placed under section 43.315 shall contain the following information:

- (1) That if the vehicle is not removed within the time specified, the vehicle will be towed and taken into custody for violation of this chapter.
- (2) The vehicle will be subject to towing and storage charges and a lien will attach to the vehicle and its contents.
- (3) The vehicle and its contents will be sold to satisfy the towing and storage charges if they are not paid.
- (4) The owner may protest an abandoned vehicle designation, prior to the vehicle being towed, by contacting the city administrator or designee.
- (5) If the vehicle is towed, its location may be obtained by contacting the Adair Village City Hall.

NOTICE

43.405 Notice of Impoundment. After any motor vehicle has been impounded as hereinbefore provided, the chief of police, city administrator, or a designee, shall, within two (2) days of such impoundment, cause a registered letter to be sent to the registered owner, if any, of the motor vehicle.

43.410 Post-towing notice.

(1) After a vehicle has been towed pursuant to this chapter, notice shall be mailed within 48 hours of removal (excluding Saturday, Sunday, and holidays) to the owner. The notice shall contain the following information:

- (a) The vehicle has been removed and the applicable statute or ordinance by which the vehicle was towed.
- (b) The location of the vehicle.
- (c) That the vehicle is subject to towing and storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle, and its contents will be sold to cover the charges if the charges are not paid.
- (e) That the vehicle and its contents may be reclaimed by presenting proof of ownership, payment of towing and storage charges.

(2) If the vehicle is registered in Division records, notice may be addressed to the owner at the latest respective address shown by Division records. If the vehicle is not registered, reasonable efforts shall be made to ascertain the name and address of the owner so that notice may be mailed, if reasonably possible, within the time period outlined in this section.

(3) Notice is considered given when a certified letter addressed to the owner of the vehicle, return receipt requested, and postage prepaid is mailed within 48 hours (excluding Saturday, Sunday, and holidays) after the vehicle is taken into custody.

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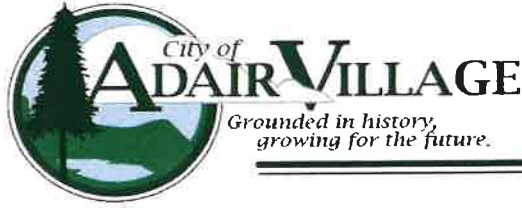
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## CITY ADMINISTRATOR'S REPORT July 11, 2023, Council Meeting

### Administration

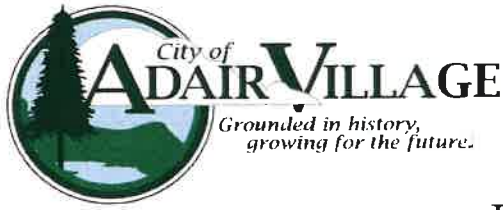
- **Seasonal PW Employee** – The city hired its first seasonal employee to help with mowing and ground maintenance around the community. This should allow staff to complete bigger projects this summer.
- **Tangent** – The city council meeting in Tangent went well. The two cities renewed the contract for public works and adjusted the rate for wastewater. I will be going to quarterly meetings just to keep in touch.
- **Santiam Christian** – Santiam Christian is working with Gerding Construction to get civil plans for their field house. They're also working on putting some more fencing up on the south side of their property.

### Property/Businesses

- **AVIS** – The city will be putting new signs up at to alert people of no access for fishing, hiking etc....
- **Good Grounds Coffee** – Susan said things were currently going well and we will be working on clearing some of the lower branches from the trees along the highway this month.
- **Restaurant** – I met with a potential client for the restaurant, and they are working on a business plan to see if the space and location will pencil out for them. They want to do a lot of renovations.

### Major Projects/Engineering

- **Water Plant** – R.G. Smith is going to start working on the VFD's at the water plant this month.
- **Calloway Creek** – Dennis submitted his plans for phase four and civil west should be done reviewing them in the next few weeks. Once that is completed, they will begin infrastructure work.
- **Wastewater Plant** – The transformer is in, and the power is all hooked up to the site. The training and start up are scheduled for the 26<sup>th</sup>.
- **Kiddie Park** – Public Works staff worked on replacing some damaged equipment, putting new bark chips down, and general maintenance. The city has a capital improvement project planned for a new play structure in the future.



PUBLIC WORKS  
OPERATIONS AND MAINTENANCE REPORT  
PERIOD: 6/20/2023 to 6/20/2023

**WATER USE / DISTRIBUTION REPORT**

**WATER USE REPORT**

Water Produced: 8,916,336

Average Usage per Day 327k

**WATER DISTRIBUTION REPORT**

Maintenance Activity: Staff reported a water leak at Carmen Place. Staff worked with contractors to repair the leak the next day. Staff work with Alyrica locating water and sewer lines around town for fiber optic cables.

Collected quarterly; second quarter samples have been completed.

**WASTEWATER TREATMENT REPORT**

Flows into the WWTP are at summer low flows. Staff have worked on removing solids from the Imhoff cone and preparing to switch over to the new headworks.

Total Monthly Influent: 1.9 million Gallons

**STORM WATER COLLECTION SYSTEM REPORT**

Maintenance Activity: Storm drains remain clear with the increase of rain. Staff daily clears and monitors all storm drains.

## **STREETS MAINTENANCE REPORT**

Maintenance Activity: Streets are in decent shape. Staff have begun spraying weeds in roadways.

## **CITY HALL / PARKS AND WETLANDS**

Maintenance Activity: Staff have been keeping up with mowing. All we areas have dried up and all city properties are on a weekly schedule.

## **WATER TREATMENT PLANT**

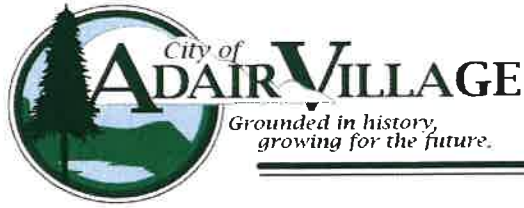
Maintenance Activity: Staff continue to run the water plant 55 – 60 hours per week. The water plant has been functioning fine with no issues to report.

## **WASTEWATER TREATMENT PLANT**

Maintenance Activity: The wastewater treatment plant is doing well. Staff have worked with contractors finishing up new headworks.

Completed by Matt Lydon, Public Works Supervisor





**STAFF REPORT**  
**Attachment G – Financial Report**  
July 11, 2023, Council Meeting

Income shown for fiscal year 2022-2023 is \$2,415,234.94 and expenses are \$2,535,437.30 which equals a net income of -\$120,202.36 for all funds.

Income and expenses for each fund are shown below:

<b>Fund</b>	<b>Income</b>	<b>Expenses</b>	<b>% of Budget</b>	<b>Difference</b>
General	260,710.73	982,316.50	47.00%	-721,605.77
Streets	34,626.82	42,032.43	15.30%	-7,405.61
Water	1,365,408.09	691,047.84	33.20%	674,360.25
Wastewater	719,040.86	795,761.80	25.20%	-76,720.94
Storm Drain	35,448.44	24,278.73	27.50%	11,169.71
SDC Fund	0.00	0.00	0.00%	0.00
Reserve	0.00	0.00	0.00%	0.00
<b>TOTAL</b>	<b>\$2,415,234.94</b>	<b>\$2,535,437.30</b>		<b>-120,202.36</b>

We have approximately \$3,814,419.72 in the Local Government Investment Pool (LGIP). In June we had \$3,754,060.74. Last year in July, we had \$3,274,177.45. We also currently have approximately \$89,683.49 in Citizens Bank.

Report Criteria:

- Print Fund Titles
- Page and Total by Fund
- Print Source Titles
- Total by Source
- Print Department Titles
- Total by Department
- All Segments Tested for Total Breaks

Account Number	Account Title	2022-23	2022-23	2022-23	2022-23
		Current year Budget	Current year Actual	Budget Remaining	Budget Used %
<b>General Fund</b>					
<b>General Fund</b>					
100-000-40000	Beginning Fund Balance	600,000.00	.00	600,000.00	.00
100-000-40001	Property Taxes - Current	218,000.00	3,204.75	214,795.25	1.5%
100-000-40002	Property Taxes - Prior Year	500.00	.00	500.00	.00
100-000-41010	Revenue Sharing	14,000.00	3,490.07	10,509.93	24.9%
100-000-41020	Cigarette Taxes	1,000.00	360.72	639.28	36.1%
100-000-41030	Liquor Taxes	25,000.00	9,836.54	15,163.46	39.3%
100-000-41100	Tangent Contract	194,100.00	74,246.41	119,853.59	38.3%
100-000-41200	Transient Lodging Tax	5,000.00	5,000.00	.00	100.0%
100-000-42001	Planning Fees	10,000.00	.00	10,000.00	.00
100-000-42050	Fees - Other	.00	35.00	35.00-	.00
100-000-42060	SDC Administrative Fees	10,000.00	.00	10,000.00	.00
100-000-43001	Utility Franchise Fees	63,000.00	24,479.86	38,520.14	38.9%
100-000-46020	Residential Rent Revenue	30,000.00	7,728.27	22,271.73	25.8%
100-000-46021	Property Lease or Rent	78,000.00	.00	78,000.00	.00
100-000-46023	Building Lease	32,000.00	5,712.38	26,287.62	17.9%
100-000-46024	Property Tax-Property Lease	4,900.00	.00	4,900.00	.00
100-000-46027	Utilities-Property Lease	14,000.00	.00	14,000.00	.00
100-000-46028	Room Rental	120.00	.00	120.00	.00
100-000-46031	Court Fees and Fines	.00	.00	.00	.00
100-000-46032	Ordinance Violation Fines	.00	.00	.00	.00
100-000-46055	Refunds	25,200.00	12,420.00	12,780.00	49.3%
100-000-46057	Miscellaneous	1,000.00	.00	1,000.00	.00
100-000-47300	Parks Grant	.00	.00	.00	.00
100-000-47900	COVID-19 Reimbursements	98,000.00	97,064.22	935.78	99.0%
100-000-48000	Interest	15,000.00	17,132.51	2,132.51-	114.2%
100-000-49500	Transfer from Water Fund	.00	.00	.00	.00
100-000-49530	Transfer from SDC Fund	.00	.00	.00	.00
100-000-49600	Transfer from Reserve Fund	.00	.00	.00	.00
<b>Total General Fund:</b>		<b>1,438,820.00</b>	<b>260,710.73</b>	<b>1,178,109.27</b>	<b>18.1%</b>

**City Administration**

100-100-50010	City Administrator	79,200.00	69,503.42	9,696.58	87.8%
100-100-50016	Utility/Court Clerk	9,258.00	6,160.50	3,097.50	66.5%
100-100-50018	Finance Clerk	4,166.00	5,212.81	1,046.81-	125.1%
100-100-51010	Employee Health Ins Benefits	17,395.00	11,195.37	6,199.63	64.4%
100-100-51020	Retirement Benefits	23,364.00	16,032.66	7,331.34	68.6%
100-100-51030	Employment Taxes	11,889.00	7,332.78	4,556.22	61.7%
100-100-52002	Materials & Supplies	250.00	.00	250.00	.00
100-100-52010	Miscellaneous	500.00	417.00	83.00	83.4%
100-100-52013	Travel and Training	2,000.00	.00	2,000.00	.00
100-100-52014	Vehicle Fuel & Maintenance	.00	.00	.00	.00
100-100-52016	Audit	.00	.00	.00	.00
100-100-52017	City Attorney	15,000.00	.00	15,000.00	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
100-100-52018	Planning Consultant	30,000.00	.00	30,000.00	.00
100-100-52019	Contract Service	27,000.00	22,000.00	5,000.00	81.5%
100-100-52020	Development Engineering	30,000.00	.00	30,000.00	.00
100-100-52030	Miscellaneous	.00	.00	.00	.00
100-100-52031	Urban Renewal Development	85,000.00	.00	85,000.00	.00
100-100-52101	Banking Charges	.00	.00	.00	.00
100-100-52102	Dues	.00	.00	.00	.00
100-100-52103	Insurance	.00	636.91	636.91-	.00
100-100-52106	Mileage	250.00	.00	250.00	.00
100-100-52107	Permits	.00	206.89	206.89-	.00
100-100-52108	Postage	.00	.00	.00	.00
100-100-53002	Equipment Purchase	.00	.00	.00	.00
<b>Total City Administration:</b>		<b>335,272.00</b>	<b>138,698.34</b>	<b>196,573.66</b>	<b>41.4%</b>
<b>Public Safety</b>					
100-200-50010	City Administrator	.00	6,318.48	6,318.48-	.00
100-200-51010	Employee Health Ins Benefits	1,198.00	705.00	493.00	58.8%
100-200-51020	Retirement Benefits	1,793.00	1,115.63	677.37	62.2%
100-200-51030	Employment Taxes	912.00	710.31	201.69	77.9%
100-200-52019	Contract Service	37,000.00	25,071.00	11,929.00	67.8%
100-200-52103	Insurance	.00	41.69	41.69-	.00
<b>Total Public Safety:</b>		<b>40,903.00</b>	<b>33,962.11</b>	<b>6,940.89</b>	<b>83.0%</b>
<b>Parks and Recreation</b>					
100-300-50025	Summer Program Coordinator	.00	.00	.00	.00
100-300-50054	Utility Worker II	18,714.00	16,524.77	2,189.23	88.3%
100-300-50058	Utility Worker I	.00	.00	.00	.00
100-300-51010	Employee Health Ins Benefits	9,514.00	4,400.17	5,113.83	46.2%
100-300-51020	Retirement Benefits	5,083.00	8,482.26	3,399.26-	166.9%
100-300-51030	Employment Taxes	2,586.00	2,230.83	355.17	86.3%
100-300-52002	Materials & Supplies	500.00	575.97	75.97-	115.2%
100-300-52011	System Maintenance & Repair	.00	.00	.00	.00
100-300-52012	Maintenance - Bldg & Parks	1,000.00	32.00	968.00	3.2%
100-300-52013	Travel and Training	500.00	.00	500.00	.00
100-300-52014	Vehicle Fuel & Maintenance	1,250.00	1,050.99	199.01	84.1%
100-300-52019	Contract Service	800.00	.00	800.00	.00
100-300-52022	Equipment Maintenance	1,000.00	2,547.81	1,547.81-	254.8%
100-300-52023	Equipment Rental/Lease	100.00	.00	100.00	.00
100-300-52025	Small Equipment Purchase	500.00	2,099.00	1,599.00-	419.8%
100-300-52026	Non-capital Improvements	.00	.00	.00	.00
100-300-52030	Miscellaneous	500.00	.00	500.00	.00
100-300-52103	Insurance	1,425.00	1,659.96	234.96-	116.5%
100-300-52106	Mileage	100.00	.00	100.00	.00
100-300-52108	Postage	75.00	.00	75.00	.00
100-300-52109	Utilities	750.00	320.24	429.76	42.7%
100-300-52111	Parks-Events	2,000.00	3,856.79	1,856.79-	192.8%
100-300-52112	Parks - Youth Activities	6,000.00	.00	6,000.00	.00
100-300-53001	Improvements - Bldg & Parks	1,500.00	.00	1,500.00	.00
100-300-53002	Equipment Purchase	5,000.00	.00	5,000.00	.00
100-300-55600	Transfer to Reserve Fund	5,000.00	.00	5,000.00	.00
<b>Total Parks and Recreation:</b>		<b>63,897.00</b>	<b>43,780.79</b>	<b>20,116.21</b>	<b>68.5%</b>

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>Non-departmental</b>					
100-900-51030	Employment Taxes	.00	.00	.00	.00
100-900-52002	Materials & Supplies	3,500.00	9,416.82	5,916.82-	269.1%
100-900-52010	Legal Notices	1,500.00	2,624.64	1,124.64-	175.0%
100-900-52012	Maintenance - Bldg & Parks	9,000.00	4,532.49	4,467.51	50.4%
100-900-52013	Travel and Training	.00	.00	.00	.00
100-900-52014	Vehicle Fuel & Maintenance	200.00	687.40	487.40-	343.7%
100-900-52015	Security Alarm	.00	638.72	638.72-	.00
100-900-52016	Audit	9,000.00	5,400.00	3,600.00	60.0%
100-900-52017	City Attorney	.00	6,562.50	6,562.50-	.00
100-900-52019	Contract Service	40,000.00	10,448.00	29,552.00	26.1%
100-900-52020	Engineering Consultant	.00	6,893.50	6,893.50-	.00
100-900-52021	Transit	25,000.00	.00	25,000.00	.00
100-900-52022	Equipment Maintenance	4,500.00	571.92	3,928.08	12.7%
100-900-52023	Equipment Rental/Lease	1,000.00	12,561.81	11,561.81-	1256.2
100-900-52024	Security Alarm	1,500.00	.00	1,500.00	.00
100-900-52025	Small Equipment Purchase	1,200.00	3,198.00	1,998.00-	266.5%
100-900-52026	Non-capital Improvements	.00	.00	.00	.00
100-900-52030	Miscellaneous	2,500.00	391.38	2,108.62	15.7%
100-900-52031	CERT Expenditures	5,000.00	1,127.46	3,872.54	22.5%
100-900-52101	Banking Charges	750.00	25.34	724.66	3.4%
100-900-52102	Dues	7,000.00	5,630.25	1,369.75	80.4%
100-900-52103	Insurance	8,500.00	8,141.03	358.97	95.8%
100-900-52108	Postage	3,000.00	3,369.73	369.73-	112.3%
100-900-52109	Utilities	22,200.00	3,133.07	19,066.93	14.1%
100-900-52110	Telephones	4,600.00	3,824.76	775.24	83.1%
100-900-52111	Mayor & Council Expenses	1,000.00	.00	1,000.00	.00
100-900-52113	Election Fees	1,000.00	.00	1,000.00	.00
100-900-52114	Software Hosting Fees	6,500.00	4,026.81	2,473.19	62.0%
100-900-52115	Tangent Expenditures	75,000.00	103,626.01	28,626.01-	138.2%
100-900-52197	Utilities - Rentals	.00	.00	.00	.00
100-900-52199	Property Taxes	8,367.00	8,380.62	13.62-	100.2%
100-900-52220	Residential Rental-related Exp	.00	.00	.00	.00
100-900-52600	COVID-19 Expenses	98,000.00	.00	98,000.00	.00
100-900-52900	Insurance Reimbursed Expense	.00	.00	.00	.00
100-900-53001	Improvements - Bldg & Parks	.00	.00	.00	.00
100-900-53002	Equipment Purchase	60,000.00	.00	60,000.00	.00
100-900-53003	Barracks Improvements	.00	.00	.00	.00
100-900-53004	Land Purchase	650,000.00	560,663.00	89,337.00	86.3%
100-900-54006	Barracks Loan Payment	22,254.00	.00	22,254.00	.00
100-900-55500	Transfer to Water Fund	9,577.00	.00	9,577.00	.00
100-900-55510	Transfer to Wastewater Fund	.00	.00	.00	.00
100-900-55530	Transfer to SDC Fund	45,307.00	.00	45,307.00	.00
100-900-55600	Transfer to Reserve Fund	.00	.00	.00	.00
<b>Total Non-departmental:</b>		<b>1,126,955.00</b>	<b>765,875.26</b>	<b>361,079.74</b>	<b>68.0%</b>
<b>Contingency</b>					
100-998-58000	Contingency	250,000.00	.00	250,000.00	.00
<b>Total Contingency:</b>		<b>250,000.00</b>	<b>.00</b>	<b>250,000.00</b>	<b>.00</b>
<b>Ending Fund Balance</b>					
100-999-59000	Reserve for Future Expenditure	271,793.00	.00	271,793.00	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
	Total Ending Fund Balance:	271,793.00	.00	271,793.00	.00
	General Fund Revenue Total:	1,438,820.00	260,710.73	1,178,109.27	18.1%
	General Fund Expenditure Total:	2,088,820.00	982,316.50	1,106,503.50	47.0%
	Net Total General Fund:	650,000.00-	721,605.77-	71,605.77	111.0%

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>Street Fund</b>					
<b>Street Fund</b>					
200-000-40000	Beginning Fund Balance	175,000.00	.00	175,000.00	.00
200-000-41040	Highway Apportionment	100,000.00	34,626.82	65,373.18	34.6%
200-000-41070	Small Cities Allotment	.00	.00	.00	.00
200-000-46057	Miscellaneous	200.00	.00	200.00	.00
200-000-47900	COVID-19 Federal Funds	.00	.00	.00	.00
200-000-48000	Interest	.00	.00	.00	.00
<b>Total Street Fund:</b>		<b>275,200.00</b>	<b>34,626.82</b>	<b>240,573.18</b>	<b>12.6%</b>
<b>Public Works - Streets</b>					
200-410-50010	City Administrator	.00	.00	.00	.00
200-410-50018	Finance Clerk	1,389.00	1,737.61	348.61-	125.1%
200-410-50050	Public Works Supervisor	7,732.00	7,076.37	655.63	91.5%
200-410-50052	Utility Worker III	.00	.00	.00	.00
200-410-50054	Utility Worker II	4,678.00	4,131.22	546.78	88.3%
200-410-50058	Utility Worker I	.00	.00	.00	.00
200-410-51010	Employee Health Ins Benefits	4,191.00	3,440.10	750.90	82.1%
200-410-51020	Retirement Benefits	3,748.00	3,778.83	30.83-	100.8%
200-410-51030	Employment Taxes	1,907.00	1,420.71	486.29	74.5%
200-410-52002	Materials & Supplies	1,200.00	179.00	1,021.00	14.9%
200-410-52011	System Maintenance & Repair	10,000.00	.00	10,000.00	.00
200-410-52016	Audit	1,500.00	.00	1,500.00	.00
200-410-52017	City Attorney	.00	.00	.00	.00
200-410-52019	Contract Service	1,500.00	.00	1,500.00	.00
200-410-52020	Engineering Consultant	6,000.00	.00	6,000.00	.00
200-410-52022	Equipment Maintenance	.00	.00	.00	.00
200-410-52023	Equipment Rental/Lease	250.00	.00	250.00	.00
200-410-52024	Street Sweeping	6,000.00	2,550.00	3,450.00	42.5%
200-410-52027	Street Signs	.00	419.17	419.17-	.00
200-410-52030	Miscellaneous	100.00	.00	100.00	.00
200-410-52102	Dues	.00	.00	.00	.00
200-410-52103	Insurance	5,000.00	5,130.92	130.92-	102.6%
200-410-52109	Utilities	12,000.00	11,501.00	499.00	95.8%
200-410-52114	Software Hosting Fees	900.00	667.50	232.50	74.2%
200-410-53001	Street Improvements	.00	.00	.00	.00
200-410-53002	Equipment Purchase	2,500.00	.00	2,500.00	.00
200-410-55600	Transfer to Reserve Fund	200.00	.00	200.00	.00
<b>Total Public Works - Streets:</b>		<b>70,795.00</b>	<b>42,032.43</b>	<b>28,762.57</b>	<b>59.4%</b>
<b>Contingency</b>					
200-998-58000	Contingency	100,000.00	.00	100,000.00	.00
<b>Total Contingency:</b>		<b>100,000.00</b>	<b>.00</b>	<b>100,000.00</b>	<b>.00</b>
<b>Ending Fund Balance</b>					
200-999-59000	Reserve for Future Expenditure	104,405.00	.00	104,405.00	.00
<b>Total Ending Fund Balance:</b>		<b>104,405.00</b>	<b>.00</b>	<b>104,405.00</b>	<b>.00</b>
<b>Street Fund Revenue Total:</b>		<b>275,200.00</b>	<b>34,626.82</b>	<b>240,573.18</b>	<b>12.6%</b>
<b>Street Fund Expenditure Total:</b>		<b>275,200.00</b>	<b>42,032.43</b>	<b>233,167.57</b>	<b>15.3%</b>

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
	Net Total Street Fund:	.00	7,405.61-	7,405.61	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>Water Fund</b>					
<b>Water Fund</b>					
500-000-40000	Beginning Fund Balance	410,000.00	.00	410,000.00	.00
500-000-42010	New Accounts	.00	.00	.00	.00
500-000-42020	New Connections	2,000.00	.00	2,000.00	.00
500-000-42032	Water Metered Fees	650,000.00	600,610.81	49,389.19	92.4%
500-000-42035	Reconnect Fees	500.00	.00	500.00	.00
500-000-42036	Water Outside Assessments	90,000.00	61,415.65	28,584.35	68.2%
500-000-42041	IFA Water Loan	.00	.00	.00	.00
500-000-42045	Utility Deposit	4,000.00	2,648.20	1,351.80	66.2%
500-000-46030	Fees - Other	.00	6,051.17	6,051.17-	.00
500-000-46055	Refunds	1,000.00	.00	1,000.00	.00
500-000-46057	Miscellaneous	500.00	1,384.26	884.26-	276.9%
500-000-47100	FEMA Grant	259,500.00	.00	259,500.00	.00
500-000-47420	FEMA Water Grant	.00	.00	.00	.00
500-000-48000	Interest	.00	.00	.00	.00
500-000-49010	IFA Water Loan	655,690.00	693,298.00	37,608.00-	105.7%
500-000-49100	Transfer in from General Fund	9,577.00	.00	9,577.00	.00
500-000-49600	Transfer from Reserve	.00	.00	.00	.00
<b>Total Water Fund:</b>		<b>2,082,767.00</b>	<b>1,365,408.09</b>	<b>717,358.91</b>	<b>65.6%</b>
<b>Public Works - Water</b>					
500-420-50010	City Administrator	39,600.00	37,910.97	1,689.03	95.7%
500-420-50016	Utility/Court Clerk	25,460.00	16,941.37	8,518.63	66.5%
500-420-50018	Finance Clerk	13,887.00	17,375.98	3,488.98-	125.1%
500-420-50050	Public Works Supervisor	46,392.00	42,458.20	3,933.80	91.5%
500-420-50052	Utility Worker III	.00	.00	.00	.00
500-420-50054	Utility Worker II	51,463.00	45,442.96	6,020.04	88.3%
500-420-50058	Utility Worker I	.00	.00	.00	.00
500-420-51010	Employee Health Ins Benefits	55,814.00	34,011.10	21,802.90	60.9%
500-420-51020	Retirement Benefits	48,019.00	49,586.21	1,547.21-	103.2%
500-420-51030	Employment Taxes	24,434.00	15,627.81	8,806.19	64.0%
500-420-52001	Chemicals	30,000.00	18,074.30	11,925.70	60.2%
500-420-52002	Materials & Supplies	6,600.00	2,918.56	3,681.44	44.2%
500-420-52010	Publications-Legal Notices	100.00	.00	100.00	.00
500-420-52011	System Maintenance & Repair	45,000.00	65,313.58	20,313.58-	145.1%
500-420-52013	Travel and Training	3,000.00	.00	3,000.00	.00
500-420-52014	Vehicle Fuel & Maintenance	5,500.00	7,068.88	1,568.88-	128.5%
500-420-52016	Audit	12,000.00	8,550.00	3,450.00	71.3%
500-420-52017	City Attorney	.00	.00	.00	.00
500-420-52019	Contract Service	35,000.00	939.48	34,060.52	2.7%
500-420-52020	Engineering Consultant	20,000.00	12,636.10	7,363.90	63.2%
500-420-52022	Equipment Maintenance	5,000.00	13,129.83	8,129.83-	262.6%
500-420-52023	Equipment Rental/Lease	3,000.00	.00	3,000.00	.00
500-420-52025	Small Equipment Purchase	4,000.00	6,783.00	2,783.00-	169.6%
500-420-52030	Miscellaneous	2,000.00	2,132.01	132.01-	106.6%
500-420-52101	Banking Charges	200.00	1,020.10	820.10-	510.1%
500-420-52102	Dues	3,000.00	.00	3,000.00	.00
500-420-52103	Insurance	11,220.00	12,001.94	781.94-	107.0%
500-420-52104	Lab Analysis	5,000.00	2,316.89	2,683.11	46.3%
500-420-52105	Refunds-Utility Deposit	500.00	1,082.95	582.95-	216.6%
500-420-52106	Mileage	.00	.00	.00	.00
500-420-52107	Permits	1,000.00	1,785.00	785.00-	178.5%
500-420-52108	Postage	600.00	.00	600.00	.00



Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
500-420-52109	Utilities	33,000.00	21,470.90	11,529.10	65.1%
500-420-52110	Telephones	3,400.00	2,817.38	782.62	77.0%
500-420-52114	Software Hosting Fees	7,000.00	6,175.98	824.02	88.2%
500-420-53001	Equipment Purchase	.00	.00	.00	.00
500-420-53002	Equipment Purchase	48,750.00	.00	48,750.00	.00
500-420-53003	Capital Outlay	.00	.00	.00	.00
500-420-53500	Water System Improvements	100,000.00	2,765.00	97,235.00	2.8%
500-420-53501	New Pump Station	.00	.00	.00	.00
500-420-53502	Hospital Hill Line Replace	655,690.00	24,170.03	631,519.97	3.7%
500-420-53503	Transmission Line Upgrade	431,900.00	79,748.58	352,151.42	18.5%
500-420-54001	1980 Water P & I	.00	.00	.00	.00
500-420-54002	97 Water P & I	.00	.00	.00	.00
500-420-54005	IFA Loan Payment	140,000.00	139,012.75	987.25	99.3%
500-420-55100	Transfer to General Fund	.00	.00	.00	.00
500-420-55600	Transfer to Reserve Fund	3,200.00	.00	3,200.00	.00
Total Public Works - Water:		1,920,729.00	691,047.84	1,229,681.16	36.0%
<b>Contingency</b>					
500-998-58000	Contingency	100,000.00	.00	100,000.00	.00
Total Contingency:		100,000.00	.00	100,000.00	.00
<b>Ending Fund Balance</b>					
500-999-59000	Reserve for Future Expenditure	62,038.00	.00	62,038.00	.00
Total Ending Fund Balance:		62,038.00	.00	62,038.00	.00
Water Fund Revenue Total:		2,082,767.00	1,365,408.09	717,358.91	65.6%
Water Fund Expenditure Total:		2,082,767.00	691,047.84	1,391,719.16	33.2%
Net Total Water Fund:		.00	674,360.25	674,360.25-	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>Wastewater Fund</b>					
<b>Wastewater Fund</b>					
510-000-40000	Beginning Fund Balance	200,000.00	.00	200,000.00	.00
510-000-41100	Tangent Contract	30,000.00	.00	30,000.00	.00
510-000-42039	Wastewater Fees	425,000.00	350,888.61	74,111.39	82.6%
510-000-42041	OR DEQ Loan for WWFP	.00	88.77-	88.77	.00
510-000-42045	Utility Deposit	.00	.00	.00	.00
510-000-46030	Fees - Other	1,000.00	.00	1,000.00	.00
510-000-46055	Refunds	.00	.00	.00	.00
510-000-46057	Miscellaneous	.00	141.98-	141.98	.00
510-000-49011	OR DEQ Loan for WWFP	.00	.00	.00	.00
510-000-49012	2020 Wastewater Loan	2,500,000.00	368,383.00	2,131,617.00	14.7%
510-000-49600	Transfer from Reserve Fund	.00	.00	.00	.00
Total Wastewater Fund:		3,156,000.00	719,040.86	2,436,959.14	22.8%
<b>Public Works - Wastewater</b>					
510-430-50010	City Administrator	9,900.00	9,487.73	412.27	95.8%
510-430-50016	Utility/Court Clerk	10,416.00	6,930.59	3,485.41	66.5%
510-430-50018	Finance Clerk	7,638.00	9,556.80	1,918.80-	125.1%
510-430-50050	Public Works Supervisor	19,330.00	17,690.83	1,639.17	91.5%
510-430-50052	Utility Worker III	.00	11,000.00	11,000.00-	.00
510-430-50054	Utility Worker II	14,035.00	12,393.58	1,641.42	88.3%
510-430-50058	Utility Worker I	12,000.00	.00	12,000.00	.00
510-430-51010	Employee Health Ins Benefits	18,204.00	13,930.46	4,273.54	76.5%
510-430-51020	Retirement Benefits	16,653.00	16,394.19	258.81	98.4%
510-430-51030	Employment Taxes	10,133.00	6,748.43	3,384.57	66.6%
510-430-52001	Chemicals	19,800.00	4,782.07	15,017.93	24.2%
510-430-52002	Materials & Supplies	3,500.00	180.55	3,319.45	5.2%
510-430-52003	Janitorial Supplies	.00	.00	.00	.00
510-430-52009	Uniforms	.00	.00	.00	.00
510-430-52010	Publications-Legal Notices	250.00	.00	250.00	.00
510-430-52011	System Maintenance & Repair	30,000.00	47,979.04	17,979.04-	159.9%
510-430-52013	Travel and Training	1,000.00	.00	1,000.00	.00
510-430-52014	Vehicle Fuel & Maintenance	3,300.00	298.94	3,001.06	9.1%
510-430-52016	Audit	6,000.00	8,550.00	2,550.00-	142.5%
510-430-52017	City Attorney	.00	.00	.00	.00
510-430-52019	Contract Service	2,200.00	.00	2,200.00	.00
510-430-52020	Engineering Consultant	20,000.00	36,157.74	16,157.74-	180.8%
510-430-52022	Equipment Maintenance	2,000.00	3,270.84	1,270.84-	163.5%
510-430-52023	Equipment Rental/Lease	.00	.00	.00	.00
510-430-52030	Miscellaneous	1,000.00	.00	1,000.00	.00
510-430-52101	Banking Charges	500.00	584.17	84.17-	116.8%
510-430-52102	Dues	100.00	.00	100.00	.00
510-430-52103	Insurance	10,000.00	10,765.12	765.12-	107.7%
510-430-52104	Lab Analysis	4,000.00	316.27	3,683.73	7.9%
510-430-52105	Refunds-Utility Deposit	.00	721.94	721.94-	.00
510-430-52106	Mileage	500.00	.00	500.00	.00
510-430-52107	Permits	2,200.00	3,294.00	1,094.00-	149.7%
510-430-52108	Postage	550.00	.00	550.00	.00
510-430-52109	Utilities	8,500.00	9,118.18	618.18-	107.3%
510-430-52110	Telephones	2,500.00	2,127.93	372.07	85.1%
510-430-52114	Software Hosting Fees	2,400.00	2,002.50	397.50	83.4%
510-430-53002	Equipment Purchase	11,250.00	.00	11,250.00	.00
510-430-53005	Wastewater System Improvements	2,500,000.00	538,765.90	1,961,234.10	21.6%

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
510-430-54003	97 Wastewater P & I	.00	.00	.00	.00
510-430-54004	OR DEQ Loan Repayment	30,000.00	22,714.00	7,286.00	75.7%
510-430-55600	Transfer to Reserve Fund	1,000.00	.00	1,000.00	.00
Total Public Works - Wastewater:		2,780,859.00	795,761.80	1,985,097.20	28.6%
<b>Contingency</b>					
510-998-58000	Contingency	150,000.00	.00	150,000.00	.00
Total Contingency:		150,000.00	.00	150,000.00	.00
<b>Ending Fund Balance</b>					
510-999-59000	Reserve for Future Expenditure	225,141.00	.00	225,141.00	.00
Total Ending Fund Balance:		225,141.00	.00	225,141.00	.00
Wastewater Fund Revenue Total:		3,156,000.00	719,040.86	2,436,959.14	22.8%
Wastewater Fund Expenditure Total:		3,156,000.00	795,761.80	2,360,238.20	25.2%
Net Total Wastewater Fund:		.00	76,720.94	76,720.94	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>Storm Drain Fund</b>					
<b>Storm Drain Fund</b>					
520-000-40000	Beginning Fund Balance	45,000.00	.00	45,000.00	.00
520-000-42040	Storm Drain Fees	43,000.00	35,446.44	7,553.56	82.4%
520-000-46057	Miscellaneous	200.00	.00	200.00	.00
Total Storm Drain Fund:		88,200.00	35,446.44	52,753.56	40.2%
<b>Public Works - Storm Drain</b>					
520-440-50010	City Administrator	3,300.00	3,148.28	151.72	95.4%
520-440-50016	Utility/Court Clerk	1,157.00	770.05	386.95	66.6%
520-440-50018	Finance Clerk	694.00	868.77	174.77	125.2%
520-440-50050	Public Works Supervisor	3,866.00	3,539.11	326.89	91.5%
520-440-50052	Utility Worker III	.00	.00	.00	.00
520-440-50054	Utility Worker II	4,678.00	4,131.22	546.78	88.3%
520-440-50058	Utility Worker I	.00	.00	.00	.00
520-440-51010	Employee Health Ins Benefits	4,411.00	2,820.10	1,590.90	63.9%
520-440-51020	Retirement Benefits	3,720.00	3,926.65	206.65	105.6%
520-440-51030	Employment Taxes	1,893.00	1,420.77	472.23	75.1%
520-440-52002	Materials & Supplies	70.00	.00	70.00	.00
520-440-52010	Publications-Legal Notices	.00	.00	.00	.00
520-440-52011	System Maintenance & Repair	1,400.00	29.14	1,370.86	2.1%
520-440-52013	Travel and Training	.00	.00	.00	.00
520-440-52014	Vehicle Fuel & Maintenance	200.00	.00	200.00	.00
520-440-52016	Audit	1,500.00	.00	1,500.00	.00
520-440-52017	City Attorney	.00	.00	.00	.00
520-440-52019	Contract Service	2,000.00	.00	2,000.00	.00
520-440-52020	Engineering Consultant	.00	2,110.50	2,110.50	.00
520-440-52022	Equipment Maintenance	.00	.00	.00	.00
520-440-52023	Equipment Rental/Lease	200.00	.00	200.00	.00
520-440-52101	Banking Charges	.00	59.10	59.10	.00
520-440-52102	Dues	.00	.00	.00	.00
520-440-52103	Insurance	325.00	787.54	462.54	242.3%
520-440-52105	Refunds-Utility Deposit	.00	.00	.00	.00
520-440-52106	Mileage	.00	.00	.00	.00
520-440-52107	Permits	.00	.00	.00	.00
520-440-52108	Postage	.00	.00	.00	.00
520-440-52109	Utilities	.00	.00	.00	.00
520-440-52110	Telephones	.00	.00	.00	.00
520-440-52114	Software Hosting Fees	745.00	667.50	77.50	89.6%
520-440-53002	Equipment Purchase	.00	.00	.00	.00
520-440-55600	Transfer to Reserve Fund	200.00	.00	200.00	.00
Total Public Works - Storm Drain:		30,359.00	24,278.73	6,080.27	80.0%
<b>Contingency</b>					
520-998-58000	Contingency	25,000.00	.00	25,000.00	.00
Total Contingency:		25,000.00	.00	25,000.00	.00
<b>Ending Fund Balance</b>					
520-999-59000	Reserve for Future Expenditure	32,841.00	.00	32,841.00	.00
Total Ending Fund Balance:		32,841.00	.00	32,841.00	.00
Storm Drain Fund Revenue Total:		88,200.00	35,446.44	52,753.56	40.2%

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
	Storm Drain Fund Expenditure Total:	88,200.00	24,278.73	63,921.27	27.5%
	Net Total Storm Drain Fund:	.00	11,167.71	11,167.71-	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>System Development Fund</b>					
<b>System Development Fund</b>					
530-000-40000	Beginning Fund Balance	1,310,952.00	.00	1,310,952.00	.00
530-000-42140	SDC Fees	.00	.00	.00	.00
530-000-42141	Park	5,480.00	.00	5,480.00	.00
530-000-42142	Street Imp.	30,265.00	.00	30,265.00	.00
530-000-42143	Water Imp.	15,675.00	.00	15,675.00	.00
530-000-42144	WW Imp.	1,855.00	.00	1,855.00	.00
530-000-42145	Storm Drain Fees	1,585.00	.00	1,585.00	.00
530-000-42243	Water Reimbursement	85.00	.00	85.00	.00
530-000-42244	WW Reimbursement	220.00	.00	220.00	.00
530-000-46030	Fees - Other	4,373.00	.00	4,373.00	.00
530-000-49100	Transfer in from General Fund	45,307.00	.00	45,307.00	.00
Total System Development Fund:		1,415,797.00	.00	1,415,797.00	.00
<b>Department: 100</b>					
530-100-55100	Transfer to General Fund	.00	.00	.00	.00
Total Department: 100:		.00	.00	.00	.00
<b>Parks</b>					
530-300-53003	Capital Outlay	.00	.00	.00	.00
Total Parks:		.00	.00	.00	.00
<b>Streets</b>					
530-410-53003	Capital Outlay	.00	.00	.00	.00
Total Streets:		.00	.00	.00	.00
<b>Water</b>					
530-420-52020	Engineering Consultant	.00	.00	.00	.00
530-420-53003	Capital Outlay	.00	.00	.00	.00
Total Water:		.00	.00	.00	.00
<b>Wastewater</b>					
530-430-53003	Capital Outlay	.00	.00	.00	.00
Total Wastewater:		.00	.00	.00	.00
<b>Storm Drain</b>					
530-440-53003	Capital Outlay	.00	.00	.00	.00
Total Storm Drain:		.00	.00	.00	.00
<b>Contingency</b>					
530-998-58000	Contingency	.00	.00	.00	.00
Total Contingency:		.00	.00	.00	.00
<b>Ending Fund Balance</b>					
530-999-59000	Reserve for Future Expenditure	1,415,797.00	.00	1,415,797.00	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
	Total Ending Fund Balance:	1,415,797.00	.00	1,415,797.00	.00
	System Development Fund Revenue Total:	1,415,797.00	.00	1,415,797.00	.00
	System Development Fund Expenditure Total:	1,415,797.00	.00	1,415,797.00	.00
	Net Total System Development Fund:	.00	.00	.00	.00

Account Number	Account Title	2022-23 Current year Budget	2022-23 Current year Actual	2022-23 Budget Remaining	2022-23 Budget Used %
<b>Reserve Fund</b>					
<b>Reserve Fund</b>					
600-000-40000	Beginning Fund Balance	117,300.00	.00	117,300.00	.00
600-000-49100	Transfer from General Fund	5,000.00	.00	5,000.00	.00
600-000-49200	Transfer from Street Fund	200.00	.00	200.00	.00
600-000-49500	Transfer from Water Fund	3,200.00	.00	3,200.00	.00
600-000-49510	Transfer from Wastewater	1,000.00	.00	1,000.00	.00
600-000-49520	Transfer from Storm Drain Fund	200.00	.00	200.00	.00
<b>Total Reserve Fund:</b>		<b>126,900.00</b>	<b>.00</b>	<b>126,900.00</b>	<b>.00</b>
<b>Non-departmental</b>					
600-900-55100	Transfer to General Fund	.00	.00	.00	.00
600-900-55200	Transfer to Street Fund	.00	.00	.00	.00
600-900-55500	Transfer to Water Fund	.00	.00	.00	.00
600-900-55510	Transfer to Wastewater Fund	.00	.00	.00	.00
600-900-55520	Transfer to Storm Drain Fund	.00	.00	.00	.00
<b>Total Non-departmental:</b>		<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>
<b>Contingency</b>					
600-998-58000	Contingency	.00	.00	.00	.00
<b>Total Contingency:</b>		<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>
<b>Ending Fund Balance</b>					
600-999-59000	Reserve for Future Expenditure	126,900.00	.00	126,900.00	.00
<b>Total Ending Fund Balance:</b>		<b>126,900.00</b>	<b>.00</b>	<b>126,900.00</b>	<b>.00</b>
<b>Reserve Fund Revenue Total:</b>		<b>126,900.00</b>	<b>.00</b>	<b>126,900.00</b>	<b>.00</b>
<b>Reserve Fund Expenditure Total:</b>		<b>126,900.00</b>	<b>.00</b>	<b>126,900.00</b>	<b>.00</b>
<b>Net Total Reserve Fund:</b>		<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>
<b>Net Grand Totals:</b>		<b>650,000.00-</b>	<b>120,204.36-</b>	<b>529,795.64-</b>	<b>18.5%</b>

Report Criteria:

- Print Fund Titles
- Page and Total by Fund
- Print Source Titles
- Total by Source
- Print Department Titles
- Total by Department
- All Segments Tested for Total Breaks



2015	2015		2015	2015
Category	Action Item	Action Item		Coordinating Organization
Priority	MH #1	Enhance hazard resistant construction methods (wind, winter storm, landslide, etc.) where possible to reduce damage to utilities and critical facilities. In part, this may be accomplished by encouraging electric utility providers to convert existing overhead lines to underground lines.		Public Works
Priority	MH #2	Deliver education programs aimed at mitigating the risk posed by hazards.		Public Works
Priority	MH #3	Integrate the Mitigation Plan findings into planning and regulatory documents and programs including Comprehensive Plans.		Benton County Community Development
Priority	MH #4	Develop detailed inventories of at-risk public buildings and infrastructure and prioritize mitigation actions, especially for critical facilities.		Public Works
Priority	DR #2	Identify and develop a larger/alternative water supply.		Public Works
Priority	EQ #1	Expand and complete seismic vulnerability analysis of critical public facilities with significant seismic vulnerabilities, lifeline utility (water and wastewater) and transportation systems, including fire, police, medical and other emergency communication/response facilities.		Public Works
Priority	LS #1	Utilize the updated regional landslide risk maps (DOGAMI O-16-02) to identify hazard areas and collaborate with the Oregon Department of Geology and Mineral Industries to work on landslide risk reduction efforts; determine areas and buildings at risk to landslides and propose Comprehensive Plan and land use policies accordingly.		Benton County Community Development
Priority	WF #1	Implement actions identified in the Community Wildfire Protection Plan.		Various (see CWPP)

Priority WT #1 Ensure that all critical facilities in Corvallis have backup power and emergency operations plans to deal with power outages. Public Works

Pool EQ #2 Explore the possibility of developing a home seismic upgrade/retrofit (structural and non-structural) program. Consider an education/marketing program. Public Works

2015                      2015 2022-23

Partner Organizations	Timeline	2022-23 Update Notes
Internal: Benton County Community Development, Emergency Management, GIS External: Public Utility Commission, Consumer Power, Inc., Pacific Power	Ongoing	
Internal: Benton County Community Development, Emergency Management External: Community organizations; cities and special districts; established community preparedness groups	Ongoing	
Internal: Benton County Emergency Management, Public Works, County Commissioners External: FEMA, APA, DLCD, OEM	Ongoing	
Internal: Community Development External:	Short-Term (1-2 years)/ Ongoing	
Internal: Civil West External: OSU, Benton County, Adair Rural Fire and Rescue	Mid-Term (3-5 years)	
Internal: Benton County GIS, Community Development External: Special districts in Benton County	Mid-Term (3-5 years)	
Internal: Benton County GIS and Emergency Management External: DOGAMI, DLCD	Short-Term (1-2 years)	
Support identified in CWPP	Ongoing	

Internal:

External: Benton County Emergency  
Management, Community  
Development, Private owners

Short-Term  
(1-2 years)

Ongoing; we can identify any gaps in older  
buildings; newer ones have backup systems built  
in.

Internal: Community Development  
External: Benton County

Mid-Term (3-  
5 years)

Not sure how to do this; more of a building  
division action; Jason will reach out

2022-23

2022-23

2022-23

2022-23

**Category**

**Action Item ID**

**Action Item**

**Coordinating  
Organization**

Priority

Priority

Priority

Priority

Priority

Priority

Priority

Priority

Priority	WT #1	Ensure that all critical facilities in Corvallis have backup power and emergency operations plans to deal with power outages.	Public Works
Pool	EQ #2	Explore the possibility of developing a home seismic upgrade/retrofit (structural and non-structural) program. Consider an education/marketing program.	Public Works

2022-23

**Partner Organizations**

**Timeline**

Internal:

External: Benton County  
Emergency Management,  
Community Development,  
Private owners

Internal: Community  
Development

External: Benton County





June 13, 2023

The Honorable William Currier, Mayor  
City of Adair Village  
6030 William R Carr Avenue  
Adair Village, OR 97330

RE: Project Closeout for Safe Drinking Water Revolving Loan Fund, Hospital Hill Waterline Replacement, Project Number S22007

Dear Mayor Currier:

We have determined that the project is complete, and the terms and conditions of the contract have been satisfied, including the conditions to receive Principal Forgiveness. This letter signifies that the project has been formally closed, and the Principal Forgiveness portion of the Loan has been forgiven/discharged. We are pleased to have been a part of your project.

Should you have any questions or need further assistance, please do not hesitate to contact your Regional Project Manager, Tracy Loomis, at 971-719-6710.

Sincerely,

*Mollie Croisan*

Mollie Croisan, J.D., Projects and Services Manager  
Business Oregon

c: Pat Hare, City Administrator  
Matt Wadlington, City Engineer  
Laura Engstrom, Regional Development Officer

## Amendment Number 01

**Project Name:** Wastewater Treatment Plant Improvements

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), and the City of Adair Village (“Recipient”), and amends the Contract between Recipient and OBDD, Project Number L20005, dated 08 July 2020, (“Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

**Recital:** The purpose of this amendment is to extend the time to complete the Project, revise Exhibit A, Project Description due to a change in the scope of services, and to increase the Loan Amount.

### The parties agree to:

1. Amend Section 1 – Key Terms as follows (deletion in ~~striketrough~~; addition in double underline):

The following capitalized terms have the meanings assigned below.

“Estimated Project Cost” means \$2,700,000. ~~2,500,000~~.

“Interest Rate” means 2.47% per annum.

“Loan Amount” means \$2,700,000. ~~\$2,500,000~~.

“Maturity Date” means the 29th anniversary of the Repayment Commencement Date.

“Payment Date” means December 1.

“Project Closeout Deadline” means 90 days after the earlier of the Project Completion Date or the Project Completion Deadline.

“Project Completion Deadline” means ~~36 months after the date of this Contract~~ no later than 15 December 2023.

“Repayment Commencement Date” means the first Payment Date to occur after the Project Closeout Deadline.

2. Amend Exhibit C – Project Description as follows: (deletion in ~~striketrough~~; addition in double underline):

Recipient’s current wastewater treatment plant (WWTP) is over 60 years old, has limited capacity and has reached the end of its useful life; the age and condition of the WWTP will cause it to be unable to handle the anticipated growth of the city. Recipient completed a Wastewater Facilities Plan Update in 2019, which resulted in proposed improvements.

The Project includes the following design work and improvements: Recipient will complete preliminary and final design engineering and construction of a new WWTP headworks of the primary treatment, which will resolve the capacity problem, and reconstruction of one of the lift stations (Lift Station #2) that was also found to lack adequate capacity.

Recipient will also complete preliminary and final design engineering of the secondary treatment in conjunction with the primary treatment.

Recipient will complete wastewater treatment plant improvements to include, but not be limited to, replacement of the existing 10 inch treated wastewater effluent pipe that runs from the Wastewater Treatment Plant to the effluent storage pond with a 16 inch treated wastewater effluent pipe to increase capacity.

Pre-Award costs for engineering and design up to \$80,000 will be allowed.

3. Delete Exhibit D – Project Budget in its entirety and replace it with the following:

<b>EXHIBIT D - PROJECT BUDGET</b>		
	<b>OBDD Funds</b>	<b>Other / Matching Funds</b>
Activity	Approved Budget	Approved Budget
Pre-Award Engineering	\$80,000	\$0
Design / Engineering	\$731,860	0
Construction	\$1,617,152	0
Construction Contingency	\$270,988	0
<b>Total</b>	<b>\$2,700,000</b>	<b>\$0</b>

OBDD will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

Signature page follows.

Except as specifically provided above, this amendment does not modify the Contract, and the Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



**STATE OF OREGON**  
acting by and through its  
Oregon Infrastructure Finance Authority  
of the Oregon Business Development  
Department  
775 Summer Street NE Suite 200  
Salem, OR 97301-1280

**CITY OF ADAIR VILLAGE**

By: \_\_\_\_\_  
Chris Cummings, Deputy Director

By: \_\_\_\_\_  
The Honorable William E. Currier,  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:**

\_\_\_\_\_  
/s/ David Berryman per email 06/16/2023  
David Berryman, Assistant Attorney General

**BEFORE THE CITY COUNCIL OF THE  
CITY OF ADAIR VILLAGE, OREGON**

**In the Matter of the City of )  
Adair Village Authorizing a )  
Loan from the Special )  
Public Works Fund )**

**RESOLUTION NO. 2023 – 6**

The Adair Village City Council (the “Governing Body”) of the City of Adair Village (the “Recipient”) finds:

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

B. Oregon Revised Statutes 285B.410 through 285B.482 (the “Act”) authorize any municipality to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department (“OBDD”) to obtain financial assistance from the Special Public Works Fund.

C. The Recipient has previously entered into a Financing Contract with OBDD for the project described in Exhibit C to the Financing Contract (the “Project”), project number L20005, in the principal amount of \$2,500,000, effective July 8<sup>th</sup>, 2020.

D. The OBDD has approved the Recipient’s application for additional financial assistance from the Special Public Works Fund.

E. The Recipient is required, as a prerequisite to the receipt of additional financial assistance from the OBDD, to enter into Amendment 1 to the Financing Contract with the OBDD, substantially in the form attached hereto as Exhibit A.

F. Notice relating to the Recipient’s consideration of the adoption of this Resolution was published in full accordance with the Recipient’s charter and laws for public notification.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Adair Village, Oregon as follows:

1. Financing Loan Authorized. The Governing Body authorizes the City Administrator (the “Authorized Officer”) to execute Amendment 1 to the Financing Contract and the Replacement Promissory Note (the “Financing Documents”) and such other documents as may be required to obtain additional financial assistance, on the condition that the new total principal amount of the loan from the OBDD to the Recipient is not in excess of \$2,700,000. The proceeds of the loan from the OBDD will be applied solely to the “Costs of the Project” as such term is defined in the Financing Contract.

2. Sources of Repayment. Amounts payable by the Recipient are payable from the sources described in section 4 of the Financing Contract and the Oregon Revised Statutes Section 285B.437(3) which include:

- (a) The revenues of the project, including special assessment revenues;
- (b) Amounts withheld under ORS 285B.449 (1);
- (c) The general fund of the Recipient; or
- (d) Any other source.

3. Additional Documents. The City Administrator is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain financial assistance from the OBDD for the Project pursuant to the Financing Documents.

4. Tax-Exempt Status. The Recipient covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Recipient pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The Recipient may enter into covenants to protect the tax-exempt status of the interest paid by the Recipient pursuant to the Financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as may be required by the OBDD or its bond counsel to protect the tax-exempt status of such interest.

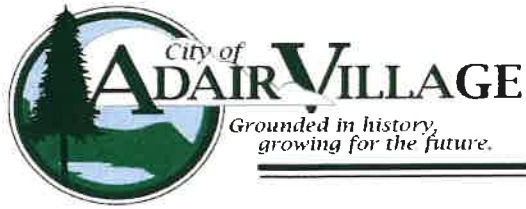
DATED this \_\_\_\_ day of July, 2023.

ADAIR VILLAGE, OREGON

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**BEFORE THE CITY COUNCIL FOR THE  
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of an Ordinance Amending )  
Chapter 43 – Parking and Standing Vehicles )

**ORDINANCE NO. 2023-06**

**WHEREAS**, Adair Village’s current Chapter 43 Parking and Standing Vehicles ordinance has been found to be unenforceable and outdated; and

**WHEREAS**, street parking is limited throughout the city; and

**WHEREAS**, improper parking and abandon vehicles cause blight and safety concerns.

**NOW, THEREFORE, THE CITY OF ADAIR VILLAGE ORDAINS AS FOLLOWS:**

**Section 1.** It is in the interests of the city and its’ residents to amend Chapter 43 Parking and Standing Vehicles to allow for an enforceable code.

**Section 3. Enactment.** The Adair Village Code of Ordinances are amended by the enactment of this Ordinance which reads in full as follows:

43.000 ADMINISTRATION

43.005 Title

43.010 Purpose and Scope

43.015 General Authority

43.020 Severability

43.025 Definitions

43.030 Emergency Vehicle Exemption

43.100 PARKING AND TRAFFIC OFFENSES

43.105 Adoption of State Laws

43.110 Prohibited Parking

43.115 Parking Oversized Vehicles Prohibited

43.120 Prohibited Trailer and Recreational Vehicle Parking

43.125 Commercial Vehicle Parking on Residential Streets

43.130 Parking Vehicle on City Street for Vending Purposes

43.200 ENFORCEMENT

43.205 Execution

43.210 Impoundment of Illegally Parked Vehicle

43.300 ABANDONED OR HAZARDOUS  
43.305 Abandoned Vehicles Prohibited.  
43.310 Impounding Hazardous Vehicles.  
43.315 Pre-towing investigation and notice.  
43.320 Contents of pre-towing notice.

43.400 POST-TOWING NOTICE  
43.405 Notice of Impoundment

## ADMINISTRATION

43.005 Title. This chapter may be cited as the Parking and Standing Vehicles section of the City of Adair Village City Code.

### 43.010 Purpose and Scope.

- (1) It is the purpose of this chapter to define conditions which exist that may prevent the free and easy flow of traffic and to provide a just, equitable, and practicable method to prohibit and abate these conditions within the boundaries of the City of Adair Village, Benton County, and State of Oregon.
- (2) The open accumulation and apparent storage of an inoperable or discarded vehicles, trailers, and recreational vehicles is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration, and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors citizens, to create a harborage for disease vectors such as, rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of vehicles, trailers, and recreational vehicles, as described in the provisions below an inoperable vehicle or discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this ordinance.

### 43.015 General Authority.

- (1) The chief of police or city administrator, upon consent and direction of the city council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.
- (2) The city council may designate enforcement officers to assist the chief of police and/or city administrator in enforcing this Chapter.

43.020 Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

### 43.025 Definitions.

- (1) Abandoned. means a vehicle left unoccupied and unclaimed; has out-of-date registration or in such a damaged, disabled, or dismantled condition that the vehicle is inoperable.



- (2) Alley. As defined herein, a street through the middle of a block.
- (3) Bike lane. A lane of travel designed specifically for bicycles to travel upon.
- (4) Bus stand. A fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.
- (5) Commercial Vehicle. A general definition for a commercial vehicle is a vehicle that is used to transport people or property for profit. A commercial motor vehicle is defined by the Oregon Vehicle Code as a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds. The definition also includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight. This definition excludes fire trucks, emergency vehicles, motor homes and recreational vehicles operated solely for personal use.
- (6) Curb. The extreme edge of the improved portion of the roadway.
- (7) Emergency vehicle. Any vehicle that is operated during the course of duty by a Police Officer, Reserve Police Officer, Code Enforcement Officer, Firefighter or Emergency Medical Technician.
- (8) Hazardous Vehicle. Any vehicle left in a location or condition that constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the city. For example, and not for limitation, the following are hazardous vehicles:
  - (a) Vehicles blocking public or private rights-of-way.
  - (b) Vehicles leaking petroleum or other hazardous fluids.
  - (c) Vehicles blocking fire hydrants.
  - (d) Vehicles with broken glass/windows.
- (9) Highway. Any surface that is designed as a lane for travel for vehicles that is open to the public. Every public way, road, street, thoroughfare, and place, including bridges, viaducts, and other structures within the boundaries of this City, used, or intended for use of the general public for vehicles or vehicular traffic. (As per ORS 801.305)
- (10) Loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.
- (11) Park or parking. The standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while engaged in loading or unloading of property or passengers.
- (12) Pedestrian. Any person afoot.
- (13) Person. Every natural person, firm, partnership, association, or corporation.
- (14) Oversized vehicle. Any truck other than a pickup truck, any bus, any motor home, any vehicle to which a camper is attached, any combination of vehicles with an overall length of twenty-three (23) feet, or any vehicle exceeding seven (7) feet in width.
- (15) Skates. Includes roller skates, in-line roller skates, blades, skateboards, scooters, coasters, roller skis or any similar device that is used as a means of transportation.
- (16) Skate operation. The act of propelling skates by means other than carrying them.

- (17) Traffic lane or roadway. That portion of the roadway used for the movement of a single line of vehicles. That portion of a highway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. (As per ORS 801.450)
- (18) Truck trailer. Any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer, or self-supporting trailer, as this term is defined in the Oregon Vehicle Code.
- (19) Vehicle. Every device in, upon, or by which a person or property is or may be transported or drawn upon a public highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

#### 43.030 Emergency Vehicle Exemption.

- (1) Emergency vehicles are hereby exempt from the rules established from this chapter when responding to an emergency.
- (2) Notwithstanding from subsection one (1), when an emergency vehicle is standing at an emergency scene and is parked in a manner that may be potentially hazardous to pedestrians or other drivers, the operator of an emergency vehicle shall activate a visual warning device.

### **PARKING AND TRAFFIC OFFENSES**

43.105 Adoption of State Laws. Parking and traffic offenses as defined by the Oregon Vehicle Code are hereby adopted and are punishable in accordance with provisions set in the city code. This sub-section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555 (Illegal stopping, standing or parking). Except as provided under an exemption in ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking), a person is in violation of ORS 811.555 (Illegal stopping, standing, or parking) if a person parks, stops or leaves standing a vehicle in any of the following places:

- (1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (1), (7) and (9) are applicable to this subsection.
- (2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by use of flaggers, flags, signs or other signals. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (9) are applicable to this subsection.
- (3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (7) are applicable to this subsection.
- (4) On a sidewalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.

- (5) Within an intersection. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking) (4) to (7) are applicable to this subsection.
- (6) On a crosswalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs and markings. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (8) Alongside or opposite a street excavation or obstruction when stopping, standing, or parking would obstruct traffic. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (8) are applicable to this subsection.
- (10) On any railroad or rail fixed guide way system tracks or within seven and one-half feet of the nearest rail at a time when the parking of vehicles would conflict with operations or repair of the tracks. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (11) At any place where traffic control devices prohibit stopping. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (12) In front of a public or private driveway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (13) Within 10 feet of a fire hydrant. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (14) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (15) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (16) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.

- (17) At any place where traffic control devices prohibit standing. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (18) Improper positioning of vehicle upon a two-way road or highway, the vehicle shall be positioned so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder
- (19) On a bicycle lane. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) are applicable to this subsection.
- (20) On a bicycle path. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) are applicable to this subsection.

43.110 Prohibited Parking. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle:

- (1) In any alley exceeding five (5) consecutive minutes in any one (1) hour period or the actual time necessary to complete the act of loading or unloading, whichever is less.
- (2) Upon any street for the purpose of:
  - (a) Displaying such vehicle for sale;
  - (b) Greasing or repairing such vehicle except repairs necessitated by an emergency;
  - (c) Displaying advertising from such vehicle.
- (3) Upon any roadway except where specifically authorized by signage or order of the chief of police or designee.
- (4) Upon any surface that is not improved or designed specifically for vehicle parking on private property.
- (5) Upon any street where the curb is painted yellow or red by the city.
- (6) Upon any street or highway facing any direction other than with the flow of traffic.

43.115 Parking Oversized Vehicles Prohibited. No oversized vehicles shall be parked on any street, alleys, or public rights-of-way within the city limits of Adair Village for more than four (4) days within any thirty (30) day period, without a valid permit issued by the city.

43.120 Prohibited Trailer and Recreational Vehicle Parking.

(1) No person shall park a motor home, travel trailer, recreational vehicle, utility trailer, boat trailer, truck with camper, camper, livestock trailer, or any other type of trailer designed to be pulled by a vehicle, or any other type of vehicle or trailer used for recreational purpose or sleeping, upon any street, parking strips, alleys, public parks, or public rights-of-way within the city limits of Adair Village for more than four (4) days within any thirty (30) day period, without a valid permit issued by the city.

(2) No person shall be allowed to sleep, cook, or otherwise use any of the trailers or recreational vehicles as outlined in Section 1 as a means for housing, while parked upon any street, parking strip, alley, public park, or public rights-of-way without first receiving a permit from the city.

43.125 Commercial Vehicle Parking on Residential Streets.

(1) No person shall park a commercial vehicle, which includes truck trailer, semi, or full trailer, trailer designed to be towed by a truck trailer or tractor, or any part thereof upon a residential street.

(2) It shall be a defense to any complaint alleging violation of this Section that the purpose of such parking was to actively load or unload goods, materials, or equipment at premises abutting the residential street for which there is no other access.

43.130 Parking Vehicle on City Street for Vending Purposes. No person shall park or leave standing a vehicle on a city street for the purpose of advertising, selling, or offering for sale any merchandise.

### **ENFORCEMENT**

43.205 Execution. All enforcement actions allowed in this chapter are in addition to all enforcement actions allowed by the Oregon Revised Statutes (ORS).

43.210 Impoundment of Illegally Parked Vehicle. The city administrator or designee, upon finding a motor vehicle parked in violation Sections 43.105-43.130 of this chapter, may cause said vehicle to be removed from the street and impounded at the owner's expense.

### **ABANDONED OR HAZARDOUS**

43.305 Abandoned Vehicles Prohibited.

(1) No vehicle that the city administrator or designee has reason to believe is abandoned shall be parked or left standing on the right-of-way of a city street, alley, or city property for a period more than twenty-four (24) hours.

(2) The city administrator or designee, upon finding a vehicle so parked or left standing may cause such vehicle to be removed from the street and impounded at the owner's expense.

43.310 Impounding Hazardous Vehicles.

(1) Upon discovering a hazardous vehicle, the city administrator or designee may immediately cause the vehicle to be towed and impounded.

(2) The owner of the vehicle shall be responsible for all costs of towing and storing the vehicle.

43.315 Pre-towing investigation and notice.

(1) The city administrator or designee investigating a vehicle in violation of Section 43.305 shall:

(a) Make effort to discover the owner and request removal of the vehicle.

(b) Failing to discover the owner by such a process, make a diligent inquiry as to the name and address of the owner by examining the vehicle for a license number, identification number, make, style, or any other information that will aid in the identification of the owner. When such vehicle is required by law to be registered with the division, the city administrator or designee shall inquire by license and/or

vehicle identification number (VIN) with the division for the name and address of the owner.

- (c) Whether or not the owner is identified, affix a pre-tow notice upon the vehicle where it can be easily seen.
- (d) If a vehicle is found in the same condition as described in section 43.305 on which a pre-tow notice was affixed, within thirty (30) days of the original notice, the owner shall be considered notified, and the vehicle shall be taken into custody by the city administrator or designee.

(2) This section does not apply to hazardous vehicles.

43.320 Contents of pre-towing notice.

Notices placed under section 43.315 shall contain the following information:

(1) That if the vehicle is not removed within the time specified, the vehicle will be towed and taken into custody for violation of this chapter.

(2) The vehicle will be subject to towing and storage charges and a lien will attach to the vehicle and its contents.

(3) The vehicle and its contents will be sold to satisfy the towing and storage charges if they are not paid.

(4) The owner may protest an abandoned vehicle designation, prior to the vehicle being towed, by contacting the city administrator or designee.

(5) If the vehicle is towed, its location may be obtained by contacting the Adair Village City Hall.

**POST-TOWING NOTICE**

43.405 Notice of Impoundment. After any motor vehicle has been impounded as hereinbefore provided, the tow provider shall make all notices as required by the ORS.

**Section 5. Effective Date.** Passed by the city council and approved by the Mayor of the City of Adair Village on the 11<sup>th</sup> day of July, 2023, this amendment shall become effective upon signature by the Mayor.

CITY OF ADAIR VILLAGE

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTRATOR

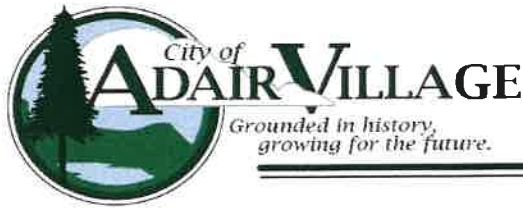
Approved as to Form:

\_\_\_\_\_  
City Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

City Recorder: \_\_\_\_\_



**BEFORE THE CITY COUNCIL FOR THE  
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of an Ordinance Amending                    )  
Chapter 40 – Public Nuisances and Abatement            )

**ORDINANCE NO. 2023-05**

**WHEREAS**, Adair Village’s current Chapter 40 Public Nuisances and Abatement ordinance has been found to be unenforceable and outdated; and

**WHEREAS**, the majority of blight and nuisances within a community are caused by inadequate property maintenance; and

**WHEREAS**, blight and nuisances cause property values to lower and impact the surrounding community’s livability.

**NOW, THEREFORE, THE CITY OF ADAIR VILLAGE ORDAINS AS FOLLOWS:**

**Section 1.** It is in the interests of the city and its’ residents to amend Chapter 40 Public Nuisances and Abatement to allow for an enforceable code.

**Section 2. Removal.** The Adair Village Resolutions are amended by repealing Resolution No. 08-04 (penalties associated with Chapter 40).

**Section 3. Enactment.** The Adair Village Code of Ordinances are amended by the enactment of this Ordinance which reads in full as follows:

- 40.000    ADMINISTRATION
- 40.005    Title
- 40.010    Purpose and Scope
- 40.015    General Authority
- 40.020    Conflicting Provisions
- 40.025    Definitions
  
- 40.100    PROPERTY MAINTENANCE
- 40.105    Adair Village Property Maintenance Code
- 40.110    Order to Vacate
- 40.115    Recording Notice of Substandard or Nonconforming Condition(s)
- 40.120    Properties Ordered Vacated and Posted
  
- 40.200    NUISANCES AFFECTING PUBLIC HEALTH OR LIVABILITY
- 40.205    Nuisances Affecting Public Health



- 40.210 Debris, Garbage, and Junk
- 40.215 Accumulation of Solid Waste
- 40.220 Littering
- 40.225 Dumping in Waters
- 40.230 Livestock Animals and Fowl
- 40.235 Inadequate Sewage Disposal
- 40.240 Unauthorized Disposal of Offensive Substances
- 40.245 Open Burning
- 40.250 State fireworks regulations
- 40.255 Vehicle use for sleeping or housekeeping purposes.
- 40.260 General Nuisances
- 40.265 Attractive Nuisances
  
- 40.300 DUTY TO PREVENT NUISANCES
- 40.305 Clean Sidewalks
- 40.310 Trees, Bushes, and Vision Clearance
- 40.315 Fences
- 40.320 Zoning and Non-permitted Land Uses
- 40.325 Certain Buildings
- 40.330 Garbage and Recycling Containers
- 40.335 Storing Property on Public Ways
- 40.340 Prohibited Action
  
- 40.400 NUISANCES AFFECTING PUBLIC PEACE
- 40.405 Radio and Television Interference
- 40.410 Unnecessary Noise
- 40.415 Notices and Advertisements
- 40.420 Curfew for Minors
- 40.425 Parental Duties
- 40.430 Open Container
- 40.435 Park Regulations
  
- 40.500 CHRONIC NUISANCE PROPERTIES
- 40.505 Chronic Nuisances
- 40.510 Alternate Chronic Nuisances
  
- 40.600 PENALTIES, ABATEMENT, AND APPEAL
- 40.605 Continuation
- 40.610 Penalties
- 40.615 Abatement
- 40.620 Imminent Nuisance Abatement
- 40.625 Notice of Violation and Abatement
- 40.630 Costs to Become a Lien
- 40.635 Interference with Abatement Personnel Prohibited
- 40.640 Obligations

## ADMINISTRATION

40.005 Title. This Chapter may be cited as the Public Nuisances and Abatement Ordinance section of the City of Adair Village City Code.

40.010 Purpose and Scope. It is the purpose of this chapter to define conditions which exist that may endanger the life, limb, health, safety, or welfare of the general public or negatively affect the livability or property values of the residents or property owners of Adair Village and to provide a just, equitable, and practicable method to prohibit and abate these conditions.

40.015 General Authority.

(1) The city administrator, upon consent and direction of the city council, is responsible for the administration, enforcement, and oversight of this chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.

(2) The city administrator may designate enforcement officers to assist in enforcing this chapter.

40.020 Conflicting provisions. Where there is a conflict between the requirements of this chapter and the State Building Code, the more restrictive shall apply.

40.025 Definitions. As used in this Chapter, the singular includes the plural and the masculine includes the feminine. Except where the context indicates otherwise, the following shall mean:

(1) City. The City of Adair Village.

(2) Council. The governing body of the city.

(3) Enforcement officer. Any authorized agent of the city, including law enforcement officers, code enforcement officers, or city administrator or his designee, of the City of Adair Village.

(4) Person in charge of property. Any agent, occupant, lessee, tenant, contract purchaser, apartment manager or other person not an owner having the possession or control of property or supervision of a construction site.

(5) Person. Every natural person, firm, partnership, association, or corporation.

(6) Person responsible. The person responsible for a nuisance is:

(a) The owner of the property on which the nuisance exists; and/or

(b) The person in charge of the property on which the nuisance exists; and/or

(c) The person who created or caused the nuisance to come into or continue in existence.

(7) Property. The owner's lot or tract of land, whether improved or vacant, all easements of record, and the sidewalk, curb, gutter, and parking area of any street abutting such lot or tract of land.

(8) Public place. Any building, place, or accommodation, whether publicly or privately owned, open and available to the public.

(9) Public transportation facility. Any property, structure or equipment used for or in connection with the transportation of persons for hire by rail, air, or bus, including any railroad cars, buses or airplanes used to carry out such transportation.

(10) Public way. Includes, but is not limited to the full width of the public right-of-way for roads, streets, alleys, lanes, bicycle and pedestrian paths, trails, sidewalks, beaches, parks, and all recreational facilities operated by the state, a county, or the city for use by the general public.

(11) Vehicle. Every device in, upon, or by which a person or property is or may be transported or drawn upon a public highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

(12) Vehicle owner. Any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

(13) Waters of the State. Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon.

## PROPERTY MAINTENANCE

### 40.105 Adair Village Property Maintenance Code.

(1) The Adair Village Property Maintenance Code is based on the following:

(a) The 2021 Edition of the International Property Maintenance Code (IMPC), first printing;

(i) Chapters 1 through 8 except for Chapters 107 and 108;

(A) Section 101.1 shall read “[...] Property Maintenance Code of Adair Village [...]”;

(B) Section 302.4 shall read “[...] in excess of 10 inches.” This shall also include trees and shrubs, all of which shall be maintained as to not be unsightly, a fire hazard, a safety hazard, or maturing and going to seed. Blackberry bushes shall not cross property lines;

(b) Appendix A of the IPMC

(2) Appendix B of the IMPC is not adopted as part of the Adair Village Property Maintenance Code.

### 40.110 Order to vacate.

(1) If the building, structure, or premises is in such condition as to make it immediately dangerous to the life, limb, property, or safety of its occupants or the public, it shall be ordered to be vacated.

(2) If the city administrator or their designee has determined that the building, structure, or premises must be vacated, the notice and order shall require that it be vacated within a time certain from the date of the order, as determined by the city administrator or their designee to be reasonable.

(3) Every notice to vacate shall, in addition to being served as provided in IPMC Section 111.4.2, be posted at or upon each exit of the building and shall be in substantially the following form:

CONDEMNED BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Ordinance 2023-05 - Attachment D Chapter 40 Public Nuisance - clean - 063023

City of Adair Village

40.115 Recording notice of substandard or nonconforming condition(s). In instances of continued noncompliance with any provisions of this title, and after notice has been given by the city administrator or their designee regarding deficient, substandard, noncomplying, or nonconforming condition(s) relating to the property, premises, or structures, the city administrator may, in addition to other remedies, record upon the title of the property a notice of substandard or nonconforming condition(s). Any such notice shall include a detailed description of the substandard or nonconforming condition(s) and may only be removed once the substandard or nonconforming condition(s) is/are abated. Enforcement costs shall be paid prior to any removal of liens or notices resulting from enforcement action.

40.120 Properties ordered vacated and posted. It is unlawful for any owner, authorized owner's agent, or any other individual to enter a vacated and posted structure, premises, or land without the consent of the city administrator. This consent shall be notated in the property's file and shared with agencies enforcing the matter.

**NUISANCES AFFECTING PUBLIC HEALTH OR LIVABILITY**

40.205 Nuisances Affecting Public Health. The following are hereby declared to be nuisances affecting public health. No resident, tenant, property owner, or property manager shall knowingly cause or permit any such activity to occur on property owned or managed by such person.

(1) Privies. Any open vault or privy, except those privies used in connection with construction projects and constructed in accordance with the Oregon State Board of Health regulations.

(2) Water pollution. The pollution of any body of water, stream or river by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

40.210 Debris, garbage, and junk.

(1) It is hereby determined and declared that the keeping of any debris, garbage or junk out of doors on any street, public sidewalk, lot, or premises within the city, is a nuisance and is unlawful.

(2) The following shall be removed, and shall be kept removed, unless specifically authorized by ordinance to do otherwise:

(a) Debris.

(i) Accumulations of litter, scrap materials (such as wood, metal, paper, glass and plastics), empty containers (such as glass, plastic, or metal), pieces of asphalt, concrete, lumber or other building supplies, junk, combustible materials, and stagnant water.

(ii) All dead bushes, dead trees, stumps, and yard clippings or cuttings of plant material; except for such material which:

(A) Is being maintained as part of a naturescaped property; and

(B) Does not result in a nuisance as otherwise defined in this code.

- (iii) The remains of something broken down or destroyed; or the accumulations of any other items not designed for outdoor storage.
- (b) Garbage.
  - (i) All household garbage, offal, dead animals, animal and/or human waste, food waste, refuse, rubbish, trash, and all other useless or discarded material.
- (c) Junk.
  - (i) Accumulations of wood pallets.
  - (ii) All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.
  - (iii) All inoperable motor vehicles, in which multiple major components are defective or removed for more than thirty (30) consecutive days; any motor vehicle which has been unlicensed for more than thirty (30) consecutive days; defective motor vehicle parts, abandoned automobiles, used tires, inoperable and defective machinery, or parts thereof, inoperable and defective appliances and parts thereof, metal portions of inoperable machinery.
  - (iv) All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration, which are reasonably expected to be used at the site.
  - (v) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
  - (vi) All furniture, except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
  - (vii) All empty glass, plastic, or metal containers.
  - (viii) All other non-trash items which:
    - (A) Are of a type or quantity inconsistent with normal and usual use; or
    - (B) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

40.215 Accumulation of Solid Waste. It shall be unlawful for any person to cause dirt, rock, debris, building materials, landscaping materials, dumpsters, or any other objects to be placed upon a public way, public place, public park, or right-of-way.

(1) Accumulations of such objects in such places which remain after 5:00 p.m. on the day of accumulation or any accumulation which creates a hazard by obstructing vehicular or pedestrian traffic may be immediately removed by the city and the cost of removal may be charged to the person causing the accumulation.

(2) The city shall refuse to issue an occupancy permit for a building to any person who has failed to pay charges incurred under subsection one (1) of this section incidental to the construction of the building for which the occupancy permit is sought.

40.220 Littering. As provided in Oregon Revised Statutes (ORS) 164.805, a person commits the violation of offensive littering if the person creates an objectionable stench or degrades from the natural cleanliness or safety of property by intentionally:

- (1) Discarding or depositing any rubbish, trash, garbage, debris, or other refuse or solid

waste upon the land of another without permission of the owner, or upon any public way or place, or in or upon any public transportation facility.

(2) Draining or causing or permitting to be drained, garbage, debris, or other refuse or solid waste upon any public way or place or in or upon any public transportation facility.

(3) Permitting any rubbish, trash, garbage, debris, or other refuse or solid waste to be thrown from a vehicle which the person is operating. However, this paragraph does not apply to a person operating a vehicle transporting passengers for hire subject to the regulation by the Interstate Commerce Commission or the Public Utility Commission of Oregon, or to a person operating a school bus, described under ORS 801.460.

40.225 Dumping in Waters. As provided in ORS 164.775, it is unlawful for any person to discard any glass, cans, or other similar refuse in any waters of the state, or within 100 yards of any waters of the state, other than in receptacles provided for the purpose of holding trash, debris, or other refuse.

40.230 Livestock Animals and Fowl.

(1) No person shall keep or maintain any slaughterhouse or tannery in the city.

(2) No person shall keep or maintain any cattle, horses, hogs, goats, sheep, rabbits, poultry or other livestock or fowl in the City of Adair Village, except as permitted by Adair Village Land Use Development Code (AVLUDC) Section 6.401. This section shall not prohibit the keeping of domesticated animals, such as dogs, cats, birds and other animals that can be claimed as household pets where such pets can be kept safely in residential quarters.

(3) Livestock animals or fowl kept or maintained contrary to the provision of this ordinance are hereby declared to be a public nuisance.

40.235 Inadequate Sewage Disposal. No person shall allow:

(1) The discharge of raw or partially treated sewage onto the ground surface or into the waters of the state.

(2) Placing into use an existing on-site sewage disposal system.

(3) Installation, replacement, or repair of an on-site sewage disposal system.

40.240 Unauthorized Disposal of Offensive Substances. As provided in ORS 164.785:

(1) It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into, or in any other manner befoul, pollute, or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern, or pond of water.

(2) It is unlawful for any person to place or cause to be placed any polluting substance listed in subsection one (1) of section onto any road, street, alley, lane, railroad right of way, lot field, meadow, or common. It is unlawful for any owner thereof knowingly to permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state.

(3) Nothing in this section applies to the storage or spreading of manure or like substance for agricultural or horticultural purposes, except that no sewage sludge, septic tank, or cesspool pumpings, or fish remains shall be used for these purposes, unless treated and applied in a manner approved by the Department of Environmental Quality, and upon application to and

specific approval from the city.

#### 40.245 Open Burning

(1) Prohibited Fires. No person shall conduct any outside open burning including kindling, maintaining or burning any bonfire, outdoor rubbish or waste fire or use any trash burners, incinerators or burn barrels nor authorize any such fires or use of such devices on private land, unless as authorized by the city as provided herein.

(2) Fires Allowed with Permits. Notwithstanding the prohibition in sub-section 1, the city council may authorize otherwise prohibited fires for special events or occasions subject to the payment of the cost of the permit for inspection by the fire chief or city administrator or their designee.

(3) Exempt Fires. The following fires are exempt from the prohibition of this ordinance:

- (a) Fires for religious purposes;
- (b) Fires initiated by the Fire District for training purposes;
- (c) Fires associated with the operation of a business with a valid permit;
- (d) Barbecue pits;
- (e) Gas or charcoal barbecues;
- (f) Outdoor fireplaces;
- (g) Backyard burning of vegetative debris from gardening or pruning.

(4) Requirements for Allowed and Exempt Fires. All outdoor fires allowed under this chapter shall comply with the following requirements:

- (a) All fires shall conform with Section 307 of the Oregon Fire Code.
- (b) All fires shall comply with the regulations established by the Fire District.
- (c) All fires shall occur only after checking with appropriate authority-Adair Fire District or Corvallis Fire Department-to determine that fires are permitted on that specific day.
- (d) All fires shall occur only in the presence of an adult who shall be present at all times the fire is burning and shall constantly monitor the fire.
- (e) Approved on-site fire extinguishing equipment shall be located at the fire (see Oregon Fire Code, Sec. 307.5).

40.250 State fireworks regulations. The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this section: ORS 480.110, 480.120, 480.130, 480.140(1) and 480.150.

40.255 Vehicle use for sleeping or housekeeping purposes. It is unlawful, within the city limits, for any person to use, allow to use, or permit to use on their private property vehicle or for sleeping or housekeeping purposes except as follows:

- (1) On the premises of a private residence and with the consent of the occupant of the residence; provided, that such use by any number of vehicles is limited to not more than seven (7) days in any ninety (90) day period;
- (2) Within a required front yard setback, as established by the Adair Village Development Code, parking of such vehicles is limited to not more than forty-eight (48) hours;
- (3) With the consent of the property owner and all adjacent property owners, the city administrator may approve a special temporary use permit for vehicle use of up to a ninety (90)

day duration in order to alleviate a temporary housing hardship which cannot otherwise be satisfied within a recreational vehicle park. Such approval may be subject to any conditions which the city administrator deems appropriate to maintain public safety and community aesthetics. In addition, any such permit may be revoked by action of the city administrator.

(a) It is unlawful for any person to discharge wastewater from a recreational vehicle to a storm sewer, sanitary sewer, street, or upon private property except at an approved holding facility or dump station.

(b) No utility connections shall be made across public right-of-way to a vehicle except by temporary permit issued by the city administrator.

40.260 General Nuisances. In addition to those nuisances specifically enumerated within this ordinance, every other thing, substance, or act, which is determined by the city council or city administrator to be injurious or detrimental to the public health, safety, welfare, or peace of the city is hereby declared to be a nuisance.

40.265 Attractive Nuisances.

(1) No owner or person in charge of any premises shall permit:

(a) Any machinery, equipment or other devices on such premises which are attractive and dangerous;

(b) The piling of any lumber, logs or piling in such manner as to be attractive and dangerous;

(c) Any excavation to remain open without erecting proper safeguards or barriers to prevent such excavation from being accessible.

(2) The provisions of this section shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death.

## **DUTY TO PREVENT NUISANCES**

40.305 Clean Sidewalks. Each owner or person in charge of any premises, improved or unimproved, abutting upon any public sidewalk shall make a reasonable effort to remove:

(1) Leaves, rubbish, dirt and other litter or obstructions on such sidewalk. The provisions of this subsection shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to persons.

(2) Snow within a period no longer than twelve (12) hours after the snow has fallen.

(3) Ice from sidewalk covered with ice within twelve (12) hours after the ice has formed.

Any ice accumulating on such sidewalk shall be removed or properly covered with sand, ashes, or other suitable material to assure safe travel.

40.310 Trees, Bushes, and Vision Clearance. No person in charge of property shall allow:

(1) Upon property that abuts a street or public sidewalk, any trees or bushes on their property to interfere with street or sidewalk traffic. It shall be the duty of the person in charge of such property to keep all trees and bushes on the premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten (10) feet above the roadway.



(2) A standing or dead tree that is a hazard to the public or to persons or property on or near their property.

(3) On their property at the intersection of two streets, any corner that does not provide a clear vision area at the corner of the intersection of two streets, a street and a railroad, a street and an alley, and driveways of parking lots open to the public.

(a) A clear vision area is a triangular area, two sides of which are:

i) Twenty (20) feet along the lot lines, measured from the intersection of two streets or a street and a railroad and the third side of which is a line across the corner of the lot, joining the two lines. Where a lot has a rounded corner, the lot lines shall be extended in a straight line to appoint of intersection and measured from that point;

ii) Ten (10) feet along the lot lines measured from the intersection of a street and an alley, and the third side of which is a line across the corner of the lot, joining the two lines. Where a lot has a rounded corner, the lot lines shall be extended in a straight line to appoint of intersection and measured from that point.

(b) A clear vision area shall contain no planting, fences, walls, structures, or temporary or permanent obstruction exceeding two and one-half (2.5) feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.

#### 40.315 Fences.

(1) No owner or person in charge of property shall construct or maintain any barbed-wire fence or allow barbed wire to remain a part of any fence which borders on any sidewalk or public pathway.

(2) No person shall install, maintain, or operate an electric fence in any residential or commercial area within the city or adjacent to any sidewalk or public pathways. All fences must meet the standards set in the Adair Village Land Use Development Code Section 5.134(3) Fencing.

40.320 Zoning and Non-permitted Land Uses. The following acts are classified as public nuisances:

- (1) Creating a use which is prohibited;
- (2) Creating or changing a use which requires a permit;
- (3) Expanding a use which is non-conforming;
- (4) Changing a use which is not permitted;
- (5) Failing to comply with conditions of a permit.

40.325 Certain Buildings. The following are classified as public nuisances:

- (1) All buildings or structures, or portions thereof, which are determined by the county building official to be dangerous;
- (2) Constructing a building without a permit as required by the Building Code;
- (3) Placing a manufactured home without a permit;
- (4) Occupying or changing the use of a building or structure without an occupancy

permit;

(5) Selling or renting a dwelling which has been used as a clandestine drug lab without providing a written notice to the new owner or renter;

(6) Making an electrical installation, water installation, sewer installation, or storm drain installation without a permit.

#### 40.330 Garbage and Recycling Containers

(1) Street Placement. Containers (garbage, recycling, yard debris, etc.) may not be placed on or along the street prior to 5:00 PM, on the day prior to the scheduled pickup day and must be removed by 8:00 AM the day after the scheduled pickup day.

(2) Placement of Property. Except as provided in subsection 1 above, containers (garbage, recycling, yard debris, etc.) must be placed/stored upon the property of the customer/user in such a manner as to not be visible from the street adjacent to the subject property, except that containers maybe stored adjacent to the garage.

#### 40.335 Storing property on public ways.

(1) No person shall use any portion of the traveled roadway, adjacent planting strip, sidewalk or other portion of the public way or road right-of-way to store or keep recreational vehicles, utility trailers, recreational sports equipment, or personal property of any kind. Such personal property must be kept fully within the owner's private property boundary in compliance with all relevant Adair Village Land Use Codes and City Ordinances.

(2) Nothing in this section is intended to prohibit the active loading or unloading of vehicles, or the parking of vehicles in permitted parking areas as incidental to the use of the vehicle for travel.

40.340 Prohibited Action. At no time shall a person leave a vehicle unattended in any unsafe condition. An unsafe condition includes but is not limited to anytime the vehicle is left unattended with the engine running and the doors unlocked for more than 10 minutes; anytime any wheel or wheels have been removed from the vehicle, regardless of whether or not the vehicle is supported by a jack, jack stand, wood or concrete blocks; anytime the vehicle is elevated by any means other than having all wheels on the ground; allowing a vehicle to leak fluids such as oil or coolant onto a street or property; leaving the keys in the ignition; or any other unsafe condition likely create an attractive nuisance for children or the general public.

### **NUISANCES AFFECTING PUBLIC PEACE**

40.405 Radio and Television Interference. No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes interference with radio or television reception. This section shall not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

40.410 Unnecessary Noise. No person shall make or assist in making any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

(1) The following acts are declared to be loud, disturbing and unnecessary noises in

violation of this section but the enumeration shall not be construed to be exclusive:

- (a) The keeping of any bird or animal which by causing frequent or long continued noise may disturb the comfort and repose of any person in the vicinity;
- (b) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;
- (c) The use of any vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise;
- (d) The sounding of any horn or signaling device on any vehicle on any street or public or private place, except as a necessary warning of danger;
- (e) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;
- (f) The erection, including excavation, demolition, alteration or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 10:00 p.m. daily, except Saturdays, Sundays and holidays when the hours shall be 10:00 a.m. to 8:00 p.m. In case of urgent necessity in the interest of the public welfare and safety, a permit may be granted by the city administrator for a period not to exceed ten days. Such permit may be renewed for periods of five days while such emergency continues to exist. If the Administrator shall determine that loss or inconvenience would result to any person unless such work were permitted within those hours, the Administrator may grant permission for such work to be done between the hours of 10:00 p.m. to 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work;
- (g) The use of any gong or siren other than by public officers for authorized purposes or on a police, fire or other emergency vehicle;
- (h) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;
- (i) The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
- (j) The use or operation of any automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker or any instrument for sound producing or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the city council permits may be granted for the broadcast or amplification of commercial or entertainment programs, or to any organization for the broadcast of programs of music, speeches, or general entertainment as a part of a national, state or city event, public festivals or outstanding events of a noncommercial nature, provided that such broadcast or amplification shall not exceed a decibel limit of 75 dB at the boundary of the property, whether from the instrument, speaker or amplifier. A

permit may be granted for a parade as a part of a national, state or city event, public festivals or outstanding events of a noncommercial nature, even if it may cause short-term obstruction to the free and uninterrupted traffic, both vehicular and pedestrian;

(k) The making of any noise by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever. Exemption from this paragraph may be requested upon application to the city for a solicitors license (Ordinance 84/85 #1);

(l) The conducting, operating or maintaining of any garage or the repairing of motor vehicles at any residence within 100 feet of any other private residence, apartment, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m.

(n) The gathering of any number of persons upon premises, whether public or private, and the creation of noise from the collective voices of such persons between the hours of 9:00 p.m. and 7:00 a.m. that is plainly audible within any dwelling unit that is not the source of the sound.

#### 40.415 Notices and Advertisements.

(1) No person shall affix or post or cause to be affixed or posted any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the owner or person in control of private property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising, or the posting of public notices.

(2) Except as otherwise provided by law, no person shall either as principal or agent scatter, deposit or distribute on the streets, sidewalks, or other public places or upon any private property any placards or advertisements whatsoever.

(3) This section shall not be construed to prohibit the distribution of advertising material to persons during any parade or approved public gathering.

#### 40.420 Curfew for Minor.

(1) Prohibition of Minors in Public. No minor shall be in or upon any street, highway, park, alley, or other public place or way between the hours specified in subsection two (2) of this section unless:

(a) The minor is accompanied by a parent, guardian or other person twenty-one (21) years of age or over and authorized by the parent or by law to have custody of the minor.

(b) The minor is engaged in a lawful pursuit or activity which requires the minor's presence upon the street, highway, park, alley or other public place, and the minor has written authorization from a parent or guardian to be in a public place at that time.

(c) The minor is emancipated under ORS 419B.550 to 419B.558.

(2) Applicable Hours. For the purposes of this section, the applicable hours of curfew are between 11:00 p.m. and 4:00 a.m. of the following morning except on Friday and Saturday night the curfew hours are between 11:59 p.m. and 4:00 a.m. of the following morning.

40.425 Parental Duties. No parent, guardian, or other person having legal custody of a minor under the age of eighteen (18) years shall permit the minor to be in violation of this Ordinance.

(1) The parent, guardian, or person having the care and custody of a minor under the age of 18 years shall be deemed to have allowed the minor to violate this ordinance despite not having prior actual knowledge, if in the exercise of reasonable diligence, the parent, guardian, or person should have known that a violation would occur.

40.430 Open Container. No person, regardless of age, shall possess an open container of any beverage that contains any amount of intoxicating liquor upon any city owned or controlled property or on any public street or sidewalk.

40.435 Park Regulations. No person shall cause destruction to city park property, act in or with prohibited behavior within a city park, be within a city park after park hours, and can be excluded from a city park for their behaviors, criminal activity, or violations of city ordinances.

(1) Destruction of Park Property.

(a) No person shall remove, destroy, break, injure, mutilate, or deface in any way or other property, including but not limited to any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, or flower, in any city park.

(b) No person shall use towels in any improper manner or waste soap or toilet paper, or deface, mar, destroy, break, write on, or scratch a wall, floor, ceiling, partition, fixture, or furniture or the facilities provided in a public convenience station located in any city park.

(2) Prohibited Behavior.

(a) No person shall sleep on the seats or benches, or use loud, boisterous, threatening, abusive, indecent language, or behave in a disorderly manner, while in any city park.

(b) No person shall blow, spread, or place any nasal or other bodily discharge, or spit, urinate or defecate in any city park, except directly into the particular fixture provided for that purpose.

(c) No person shall place a bottle, can, cloth, rag, or metal, wood, or stone substance in the plumbing fixtures in such station.

(d) No person shall enter or remain in any city park while in a visibly intoxicated condition.

(e) No person shall use tobacco products while in the skateboard park.

(3) Park Hours. No person shall be or remain inside of any city park during hours that the park is closed, said hours to be set forth at each entrance to a park, unless passing through the park to an adjoining street.

(4) Violations.

(a) In addition to any other penalty which may be provide by this city code, a peace officer, city administrator or designee may exclude from all city parks for a period of not more than thirty (30) days, any person who violates any sections of

40.430 or who violates any Oregon Revised Statutes dealing with public peace, destruction or vandalism to property, injury of any degree to a person, controlled substances, weapons, or any inappropriate prohibited conduct sanction under city code or the Oregon Revised Statutes, while in a city park.

(b) Written notice shall be given to a person excluded from the parks. The notice shall specify the dates of exclusion and shall be signed by the issuing officer. Warning of consequences for failure to comply shall be prominently displayed on the notice.

(c) A person receiving a notice may, within ten days, appeal in writing to the city administrator to have the written notice rescinded or the period shortened.

(d) At any time within the 30 days, a person receiving a notice may apply in writing to the city administrator for a temporary waiver from the effects of the notice for good reason.

## **CHRONIC NUISANCES**

40.505 Chronic Nuisances. If the person in charge fails to correct a violation after a thirty (30) day period, that violation will be considered a chronic nuisance and cited as such.

40.510 Alternate Chronic Nuisances. Any person in charge of property who fails to correct a violation after a thirty (30) day period, or who is cited for three or more violations of the same specific violation of this Code within a ninety (90) day period will be considered to have committed a chronic nuisance and may be cited as such.

## **PENALTIES, ABATEMENT, AND APPEAL**

40.605 Continuation. Every day, or portion thereof, during which any violation of any provision of this chapter is committed, continued or permitted, shall be a separate offense.

40.610 Penalties. Any person or business entity which violates any term or provision of this chapter shall be subject to any or all of the following penalties:

(1) Penalty for First-Time Violation.

(a) In the case of a violation of this title or the Adair Village Development Code, a civil penalty of \$200.00 per violation shall be assessed, per day. If the violation has been corrected within ten (10) working days of the issuance of the citation, the civil penalty shall be reduced to \$100.00 per violation.

(2) Repeat Violations.

(a) In the case of subsequent violations of this title by the same person, business, or corporation within twenty-four (24) consecutive months, the civil penalty for each subsequent violation shall be doubled and shall not be reduced.

(3) Chronic Nuisance.

(a) In the case of Chronic Nuisance, the civil penalty shall be tripled and shall not be reduced.

40.615 Abatement. In addition to the penalties as provided for in other portions of this code, the city may initiate abatement of a nuisance. Abatements are classified into two categories: imminent nuisance abatement and regular abatement.

40.620 Imminent nuisance abatement.

(1) If a condition, substance, act, or nuisance exists that is detrimental to public health, safety, or welfare, it may summarily be abated if after inspection of the premises by the city administrator found to exist, and there is imminent danger to human life, safety, or to property. Determination of a condition, substance, act, or other occurrence constituting an imminent nuisance shall be made by the city administrator.

(2) No notice to the property owner or person in control of the property is required; however, an attempt shall be made to give or cause to be given notice to remove or abate such nuisance within twenty-four (24) hours.

(3) If notice cannot be made and/or the nuisance has not been removed or abated within twenty-four (24) hours, the city administrator is authorized to remove or abate the nuisance and the cost shall be charged against the property.

(4) Costs of abatement may be assessed as provided in this section.

40.625 Notice of violation and abatement. Where there is no imminent danger to human life, safety, or to property but a violation(s) is found to exist, the following noticing procedures will apply:

(1) Notice shall be posted on the premises where the condition, substance, act, or nuisance exists, directing that the owner, person in charge and/or person occupying the property abate the situation.

(2) At the time of posting, the city administrator or their designee shall hand deliver or send a copy of the notice by first class mail to:

(a) Owner at the last known address as listed in the county tax assessor's office; and

(b) The person in charge of the property or occupant if different from the owner.

(3) The notice shall contain:

(a) A description of the real property, by street address or otherwise, on which the condition, substance, act, or nuisance exists;

(b) A description of the condition, substance, act, or nuisance which must be abated;

(c) A direction to abate the condition, substance, act, or nuisance within a time specified on the notice;

(d) A statement that unless the condition, substance, act, or nuisance is removed, the city may abate the situation, and the cost of abatement shall be a fee sufficient to cover the direct cost of removal, plus 30 percent for administrative overhead; and this total cost shall be charged to the owner;

(e) A statement that the owner or person in charge of the property may appeal the abatement by giving written notice to the city administrator or their designee within 10 days from the date of the notice;

(f) A statement that if the cost of abatement is not paid by the owner or person in charge of the property, the cost of abatement may be assessed to and become a lien on the property.

(4) After completion of the posting and delivering/ mailing, the person posting and delivering/ mailing the notice shall file this certificate with the city administrator or their designee stating the date and place of delivering/ mailing and posting.

(5) An error in the name or address of the owner or person in charge of the property or use of the name other than that of the owner or person in charge of the property shall not make the notice void, and in such case the posted notice shall be sufficient.

(6) The owner or person in charge of the property shall abate the condition, substance, act, or violation(s) specified in the notice within 10 days or as otherwise notated.

(7) Any person who shall receive a notice described in subsection three (3) of this section may appeal the city administrator or their designee's decision by filing a notice of appeal, in writing, with the city administrator or their designee within ten (10) days after the posting and mailing of the notice. The appeal must specify the basis therefor.

(8) The appeal shall be referred to the city council for a hearing.

(9) If the city council determines that the nuisance does exist, the owner or person in charge of the property shall abate the nuisance within such time as the city council may grant or, if no specific period of time is granted, within ten (10) days of the city council's decision.

(10) If the nuisance has not been abated within the time allowed the city administrator or their designee may cause the nuisance to be abated.

(a) Within sixty (60) days of the date that abatement is taken, the city shall provide the owner or person in charge of the property with an accounting for costs of abatement.

(11) The person charged with the abatement of the nuisance shall have the right at reasonable times to enter upon the property to investigate or cause the removal of the situation.

(12) Remedies Nonexclusive. The procedures provided by this chapter are not exclusive, but are in addition to abatement procedures, fines/fees, and other remedies provided by other laws and ordinances.

(13) The failure of any person or owner to receive actual notice from the city administrator or their designee shall not invalidate or otherwise affect the proceedings under this chapter.

#### 40.630 Costs to become a lien.

(1) If costs of abatement are not paid within thirty (30) days from:

(a) The date of the notice of costs; or

(b) If an appeal was timely filed, from the date of the city council's determination of the costs, an assessment of the costs shall be made and shall be entered in the docket of city liens and may be recorded with Benton County as appropriate. When the entry is recorded in the city lien docket, the assessment shall constitute a lien upon the property subject to the abatement.

(2) The lien shall be enforced in the same manner as liens for assessment for local improvement districts and shall bear interest at judgment rate as determined by the Oregon Revised Statutes. The interest shall commence running on the date of entry of the lien in the city lien docket.

(3) An error in the name of the owner or person in charge of the property shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

40.635 Interference with abatement personnel prohibited. No person shall interfere with or deny access to any person authorized to enter premises and/or structure for the purposes of abatement.

40.640 Obligations. Under no circumstances shall this chapter obligate the city to undertake abatement. All provisions in this chapter which empower or authorize city action shall be permissive and not mandatory. The city, its officers, and employees shall be entitled to exercise



discretion in determining the extent to which a hazard warrants a city response. Such considerations may include the apparent danger to public health, life, and property, financial resources available to the city for initiation of clean-up, other demands on city staff or financial resources, the likelihood that the costs of cleanup can be recovered from the owner of the premises or the responsible party, and the nature of the hazard. This enumeration is not exclusive and is intended only to illustrate the types of discretionary criteria the city may employ in determining whether or not a particular hazard warrants a city response.

**Section 5. Effective Date.** Passed by the city council and approved by the Mayor of the City of Adair Village on the 11<sup>th</sup> day of July, 2023, this amendment shall become effective upon signature by the Mayor.

CITY OF ADAIR VILLAGE

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTRATOR

Approved as to Form:

\_\_\_\_\_  
City Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

City Recorder: \_\_\_\_\_