

ORDINANCE NO. 1728

(An Ordinance Amending Sections 1.01.010, 2.28.030 , 2.28.040,, 2.32.030, 2.52.010, 3.12.010, ~~3.16.040~~, 3.16.050, 3.16.060, 8.08.040, 8.12.030, 8.16.030, 8.40.070, 10.68.015, 10.68.070, 10.68.090, 13.24.020, 13.24.070, 13.24.090, 13.28.020, 13.28.030, 13.28.060, 13.28.080, 13.36.010, 13.36.120, 13.40.050, 13.44.070, 15.12.030, 15.12.060, 15.20.090, 15.28.090, 15.44.060 and deleting Sections 2.28.050 , 3.08.050, 3.08.060, 3.08.070, 3.08.080, 13.28.040, 13.28.090, 15.28.030. 15.28.040, 15.28.050 and Chapter 2.44 of the Hood River Municipal Code)

Deletions are shown as strikeouts (~~strikeout~~), additions are shown in bold (**bold**). Explanatory notes are in italics (*italics*).

The City of Hood River ordains as follows:

The following sections of the Hood River Municipal Code are amended to read as follows:

Section 1.01.010 is amended to read as follows:

1.01.010 Adoption. There is adopted the “Hood River Municipal Code” as **initially** published by Book Publishing Company, Seattle, Washington. (Ord. 1477 §1, 1980).

Section 2.28.030 is amended to read as follows:

2.28.030 Service of process--Attendance at council meetings. ~~A.~~ The chief of police shall serve and execute and make return on all process issued to him by the city recorder or directed to him by any magistrate of this state.

~~B. He shall attend all meetings of the council and shall act as sergeant at arms of the council. (Ord. 833-53, 1939).~~

Section 2.28.040 is amended to read as follows:

~~2.28.040 Supervision of city jail. A. The chief of police shall have direct supervision of the city jail and shall have the custody of all city prisoners and inmates confined therein and shall be responsible for their safe keeping.~~

~~B. A. He shall keep a record of the city prisoners in which shall be entered the name, age, sex, color, and occupation of every person confined in the city jail, or to his care, whether upon commitment or not, with the date and duration of imprisonment, together with a list of all articles of value found upon the person of each prisoner. (Ord. 833 §4, 1939).~~ **accordance with the Police Procedures and Policy Manual as adopted by the City Council.**

Section 2.28.050 is deleted:

~~2.28.050 Salary. The chief of police shall receive an annual salary which shall be fixed by the council and shall be paid as the salaries of other city officials are paid. The salary shall be in full payment for all services rendered and performed by the chief of police for the city. (Ord. 833 §5, 1939).~~

Section 2.32.030 is amended to read as follows:

2.32.030 Public contracts, public improvements and surplus personal property.  
A. The following classes of public contracts are created and the procedures for awarding such contracts are determined not to encourage favoritism or substantially diminish competition and to result in substantial cost savings:

1. Public Contracts Valued at Less than ~~Two Thousand Five Hundred Dollars~~ **Three Thousand, Seven Hundred and fifty dollars.** All public contracts for an amount which is valued at less than ~~two thousand five hundred dollars~~ **three thousand, seven hundred and fifty dollars** shall be awarded by the ~~purchasing agent~~ **city manager or the city manager's designee** based on informal quotations. In soliciting informal quotations, the ~~purchasing agent~~ **city manager or the city manager's designee** shall seek quotations from a sufficiently large number of potential bidders to insure sufficient competition to meet the best interests of the city. An award based on less than three informal quotations may be made only on a

determination by the ~~purchasing agent~~ **city manager or the city manager's designee** that potential bidders were given a reasonable opportunity to submit quotes.

2. Public Contracts, ~~Two Thousand Five Hundred Dollars~~ **Three Thousand, Seven Hundred and fifty dollars** to ~~Ten Thousand Dollars~~ **Fifteen Thousand Dollars**. All public contracts for an amount which is valued at ~~two thousand five hundred dollars~~ **three thousand, seven hundred and fifty dollars** or more, but less than ~~ten thousand dollars~~ **fifteen thousand dollars**, shall be awarded by the council based on formal quotations. In soliciting bids, the ~~purchasing agent~~ **city manager or the city manager's designee** shall seek quotations from a sufficiently large number of potential bidders to insure sufficient competition to meet the best interests of the city. An award based on less than three formal quotations may be made only on a determination by the council that potential bidders were given a reasonable opportunity to submit quotes.

3. Public Contracts Over ~~Ten Thousand Dollars~~ **Fifteen Thousand Dollars**. All public contracts in excess of ~~ten thousand dollars~~ **fifteen thousand dollars** in value shall be awarded by the council based on formal bids. The solicitation for bids shall be published at least once in a newspaper of general circulation in the Hood River area.

B. Contracts for Public Improvements. The following classes of contracts for public improvements are created and the procedures for awarding such contracts are determined not to encourage favoritism or substantially diminish competition and to result in substantial cost savings:

1. Contracts for Public Improvements Valued at Less than ~~Two Thousand Dollars~~ **Three Thousand Dollars**. All contracts for public improvements for an amount which is valued at less than ~~two thousand dollars~~ **three thousand dollars** shall be awarded by the ~~purchasing agent~~ **city manager or the city manager's designee** based on informal quotations. In soliciting informal quotations, the ~~purchasing agent~~ **city manager or the city manager's designee** shall seek quotations from a sufficiently large number of potential bidders to insure sufficient competition to meet the best interests of the city. An award based on less than three informal quotations may be made only on a determination by the ~~purchasing agent~~ **city manager or the city manager's designee** that potential bidders were given a reasonable opportunity to submit quotes.

2. Contracts for Public Improvements in Excess of ~~Two Thousand Dollars~~ **Three Thousand Dollars**. The specifications for all contracts for public improvements valued in excess of ~~two thousand dollars~~ **three thousand dollars** shall be approved by the council before soliciting bids and shall be awarded by the council based on formal bids. The solicitation for bids shall be published at least once in a newspaper of general circulation in the Hood River area.

3. Contracts for Public Improvements in Excess of ~~Fifty Thousand Dollars~~ **Seventy Five Thousand dollars**. The specifications for all contracts for public improvements valued in excess of ~~fifty thousand dollars~~ **seventy five thousand dollars** shall be approved by the council before soliciting bids and shall be awarded by the council based on formal bids. The solicitation for bids shall be published at least once in a newspaper of general circulation in the Hood River area and shall be published in a trade newspaper of general statewide circulation.

Section 2.40.030 is amended to read as follows:

2.40.030 Certificate of records authorized to be destroyed. Whenever any officer of the city has accumulated records that have been retained ~~beyond the years recommended above,~~ **in excess of the time prescribed for retention in the "City Records Retention Schedule" as published by the state archivist** he should describe and list them on a form entitled "Certificate of Records Authorized to be Destroyed." This certificate should have the signed approval of the city recorder, city attorney, and the mayor, after which the records described thereon may be destroyed. The original of this certificate must be filed permanently in the city recorder's office ~~and a copy retained permanently by department using same. This certificate should be similar to the form illustrated in this section.~~

Chapter 2.44 is hereby deleted:

~~CHAPTER 2.44 - CIVIL DEFENSE\*~~

~~\* For statutory provisions on local civil defense organization, see ORS 401.080~~

et seq.

Sections:

~~— 2.44.010 Acceptance and adoption of state law.~~

~~— 2.44.020 Establishment of local organization for civil defense.~~

~~— 2.44.030 Director.~~

~~— 2.44.040 Functions.~~

~~— 2.44.050 Powers.~~

~~— 2.44.060 Mutual aid agreements.~~

~~— 2.44.070 Appropriations.~~

~~— 2.44.080 Utilization of services and supplies of the city.~~

~~— 2.44.090 Enforcement.~~

~~— 2.44.100 Authority to accept money.~~

~~— 2.44.010 Acceptance and adoption of state law. Chapter 434, Oregon Laws of 1949, so far as the same applies to the city, is accepted, and its provisions are adopted. (Ord. 928 §1, 1950).~~

~~— 2.44.020 Establishment of local organization for civil defense. The proper authorities of the city, under the direction of the mayor and the city council are authorized and directed to establish a local organization for civil defense in accordance with state civil defense plan and program, as adopted, pursuant to Chapter 434, Oregon Laws, 1949. (Ord. 928 §2, 1950).~~

~~— 2.44.030 Director. The local organization for civil defense shall have a director who shall be appointed by the mayor, subject to the approval of the city council, and who shall have direct responsibility for the organization, administration and operation of the local program for civil defense, subject to the direction and control of the mayor and city council. (Ord. 928 §3, 1950).~~

~~— 2.44.040 Functions. The local organization for civil defense shall perform civil defense functions within the territorial limits of the city, and in addition shall conduct such functions outside such territorial limits as may be required pursuant to the provisions of Section 2.44.060. (Ord. 928 §4, 1950).~~

~~— 2.44.050 Powers. In carrying out the provisions of this chapter and of the Civil Defense Act of 1949, should any disaster described in Section 2 of said act occur, then the local organization for civil defense shall have the power, subject to the approval of the mayor and city council, to enter into contracts and incur~~

~~obligation necessary to combat such disaster, protecting the health and safety of the persons and property, and providing emergency assistance to the victims of such disaster. (Ord. 928 §5, 1950).~~

~~—2.44.060 Mutual aid agreements. The director of the local organization for civil defense may, in collaboration with other public and private agencies within this state, and particularly with the county, and subject to the approval of the mayor and city council, develop, or cause to be developed, mutual aid agreements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such agreements shall be consistent with the state civil defense plan and program for civil defense, and in time of emergency it shall be the duty of the local organization for civil defense to render assistance in accordance with the provisions of such mutual aid agreements. (Ord. 928 §6, 1950).~~

~~—2.44.070 Appropriations. The city council shall have the power to make appropriations in the manner provided by law for making appropriations for ordinary expenses of the city, for the payment of expenses of the local organization for civil defense, and to levy taxes upon the assessable property within the city therefor. (Ord. 928 §7, 1950).~~

~~—2.44.080 Utilization of services and supplies of the City. In carrying out the provisions of this chapter, the mayor and the city council are authorized to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the city to the maximum extent practicable, and the officers and personnel of such departments, offices and agencies are authorized and directed to cooperate with, and extend such services and facilities to the governor, to the civil defense organization of the state, and to the local organization for civil defense, upon request. (Ord. 928 §8, 1950).~~

~~—2.44.090 Enforcement. It shall be the duty of the local organization for civil defense and of the officers thereof, to execute and enforce such orders, rules and regulations as may be made and promulgated by the Governor under the authority of the Civil Defense Act of 1949 and to enforce such orders, rules and regulations as may be made and promulgated by the city council. The local organization for civil defense shall have available for inspection at its office all such orders, rules and regulations made by the Governor or the city council, or under their authority. (Ord. 928 §10, 1950).~~

~~—2.44.100 Authority to accept money. The mayor (or any other officer~~

~~delegated or appointed by the mayor) is authorized to accept on behalf of this city all equipment, supplies and materials and money offered by the federal government to enable this city to carry out any program, act or activity necessary to the proper functioning of defense activities in this city. The mayor is authorized to execute such agreements or documents and to agree to such reasonable terms and conditions as may be required by the federal government for the grant, loan, lease or other use or possession of said equipment, supplies, materials or money. (Ord. 873 §1, 1942).~~

Section 2.52.010 is amended to read as follows:

~~2.52.010 City engineer as city surveyor. The city designates and appoints the city engineer as the city surveyor for the city engineer or his designee shall serve as city surveyor if duly licensed by the State of Oregon as a surveyor. but the city engineer shall only be considered the city surveyor if the city engineer is licensed by the state of Oregon as a surveyor. (Ord. 1545 §8, 1984; Ord. 1486 §1, 1980).~~

Sections 3.08.050 through 3.08.080 are hereby deleted:

~~3.08.050 Electric light and power fund Created. A fund is created to be designated the "electric light and power fund." (Ord. 851 §1, 1939).~~

~~3.08.060 Electric light and power fund Deposits. All sums of money derived from the sale of all electric light and power bonds, taxes levied for the payment of interest or principal on such electric light and power bonds, proceeds from the sale of municipal electric light and power plants from the salvage thereof, and all money received from the sale of electric light and power and operating revenues from power plants and all other money derived from the acquisition, construction, operation, management, control, and ownership of light and power plants shall be deposited in the electric light and power fund. (Ord. 851 §2, 1939).~~

~~3.08.070 Electric light and power fund Use of funds. All sums expended in payment of electric light and power bonds, both principal and interest, sinking fund payments, and all money paid out as operating expenses, maintenance and replacements and otherwise for municipally owned electric light and power plants shall be paid from the electric light and power fund. (Ord. 851 §3, 1939).~~

~~3.08.080 Electric light and power fund Warrants Accounts. All warrants ordered drawn on the electric light and power fund shall be plainly marked "electric light and power fund" and a separate account shall be kept by the city recorder and city treasurer covering this fund. (Ord. 851 §4, 1939).~~

Section 3.12.010 is amended to read as follows:

3.12.010 Interest rate designated. All amounts due to the city, including taxes, for which an interest rate is not otherwise provided shall bear interest from due date until paid at a rate not to exceed the maximum rate allowed by law. ~~the rate of ten percent per year. (Ord. 1397 §1, 1976).~~

Section 3.16.040 is amended to read as follows:

3.16.040 Interest rates on loans. A. The interest rate on funds hereafter loaned by the city to individual property owners for street, sidewalk, and sewer improvements shall be at the rate of ten percent per year unless rate set by the city council, by a majority vote on the date the council determines who the lowest responsible bidder is and approves entering into the contract for the improvement, sets a lower rate of interest, not less than seven percent per year, based on the prime interest rate for that day. For the purpose of this section the "prime interest" rate shall be computed by averaging the prime interest lending rates charged to commercial customers on said day by the First National Bank of Oregon and the United States National Bank of Oregon. (Ord. 1478 §§2, 3, 1980; Ord. 1367 §§1, 2, 1975).

Section 3.16.050 is hereby amended to read as follows:

3.16.050 Disposition of interest earned. A. All interest earned through such financing shall be and become a part of the **assessment improvement revolving fund.** ~~special revolving fund and shall be the property of the city through its water department and, as amounts of interest accumulate, a corresponding amount of principal shall from time to time be repaid to the water department until such time as the special revolving fund is made up entirely of interest earnings totaling sixty thousand dollars; thereafter such fund may be continued and its earnings shall continue to be the property of the city through its water department.~~



Section 3.16.060 is hereby amended to read as follows:

3.16.060 Disposition of fund earnings--Discontinuance of fund procedures. All earnings of such special revolving fund shall be and become the property of the city through **the appropriate fund**~~its water department~~ and shall be credited to such **fund** ~~department~~, and nothing contained in this chapter shall prevent the city from discontinuing such special revolving fund at any time that it seems desirable to do so. Upon the discontinuance of such special revolving fund, all funds then on hand shall be paid into the appropriate fund~~of the water department~~ and such fund shall be kept open only for the purpose of receiving payments and of enforcing the payment of liens until all payments financed by such fund have been repaid to the city through such fund, or are declared by the council to be uncollectible, or unenforceable through foreclosure of lien or otherwise. (Ord. 956 §5, 1952).

Section 8.08.040 is hereby amended to read as follows:

8.08.040 Permit ~~from city council~~ required for certain Potential nuisances. A. No person responsible shall permit any excavation or demolition or any alteration, erection or repair of any building other than between the hours of seven a.m. and seven p.m. unless a prior permit is issued by the ~~city council or its~~ **city manager or his** designee.

B. No sound amplifying device may be utilized to broadcast music, news, speeches or any entertainment without a permit from the ~~city council or its~~ **city manager or his** designee.

Section 8.12.030 is hereby amended to read as follows:

8.12.030 Fly-producing conditions--Violation--Penalty. Any person, firm or corporation found guilty of having created or suffered to exist on premises either owned or leased by him any one or more of the unlawful conditions named in Section 8.12.010 shall be punished by a fine of not less than ~~five~~ **fifty** dollars nor more than ~~fifty~~ **five hundred** dollars. (Ord. 497 §3, 1914).

Section 8.16.030 is hereby amended to read as follows:

8.16.030 Violation--Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense, and upon conviction, shall be punished by a fine of not less than ~~five~~ **fifty** dollars nor more than ~~two hundred two thousand~~ **two thousand** dollars or by imprisonment ~~in the city jail~~ for a term of not less than two days nor more than fifty days, or by both such fine and imprisonment, within the discretion of the court. Each day such violation is committed or permitted to continue constitutes a separate offense and shall be punishable as such under this section. (Ord. 992 §3, 1953).

Section 8.40.070 is hereby amended to read as follows:

8.40.070 Periodical inspection and testing--Right of entry--Abatement and suspension authorized when. The city engineer ~~shall~~ **may** inspect or cause to be inspected all swimming pools and family pools within the city at such times as he may deem necessary to carry out the intent of this chapter. The city engineer is authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as he may deem necessary and to require the owner, proprietor or operator to comply with rules and regulations pertaining to swimming pools promulgated by the city engineer in accordance with this chapter. In the event of the failure of compliance, after due notice, with the rules and regulations and requirements of the city engineer or the requirements of this chapter, the city engineer shall have the power to abate or cause a suspension of the use of such swimming pool or family pool until such time as the same is, in the opinion of the city engineer, no longer a menace or a hazard to health, safety or morals. (Ord. 1276 §7, 1970).

Section 10.68.015 is hereby amended to read as follows:

10.68.015 Emergency snow removal--Authority. If, in the judgment of ~~the mayor or any three members of the mayor and any three members of the council or a majority of the city council~~, a snow condition within the city warrants emergency snow removal, ~~the mayor or any three members of the mayor and any three members of the council or a majority of the city council~~, the city council shall have the authority to direct the appropriate city staff to effectuate emergency snow removal. Emergency snow removal shall be

deemed to be warranted when the city staff in its supervision of the day-to-day administration of the city, fails to adequately alleviate a snow condition. (Ord. 1581 §1, 1986).

Section 10.68.070 is hereby amended to read as follows:

10.68.070 Citation. Any person who operates a motor vehicle in violation of any provision of this chapter may be issued a traffic citation **in compliance with the terms and conditions of the Hood River Police Policies and Procedures as adopted by City Council**. ~~Whenever a city police officer finds a motor vehicle without a driver left in violation of any provision of this chapter, if the vehicle is not impounded, the officer may take the license number and information identifying the owner of the vehicle, if any, and conspicuously affix to the vehicle a traffic citation.~~ The citation shall state the date, place and nature of the charge, the time and place for the violator to appear in court, the name of the issuing officer and the license number of the vehicle, if any. (Ord. 1572 §6, 1986).

Section 10.68.090 is hereby amended to read as follows:

10.68.090 Violation--Penalty. Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than **fifty one hundred fifty** dollars. (Ord. 1572 §8, 1986).

Section 13.24.020 is hereby amended to read as follows:

13.24.020 Flags, banners and signs--Permit required-- Exceptions. It is unlawful for any person to install, erect, construct or suspend any sign, flag, banner or advertisement over or upon any public sidewalk, street, alley or thoroughfare without a written permit from **the city manager or his designee** ~~the city council~~; **and comply with Chapter 17.13 of this code.** ~~provided however, the above prohibition shall not apply to flags, banners and decorations so displayed on legal holidays, election days or days of public parade.~~ (Ord. 840 §4, 1939).

Section 13.24.070 is hereby amended to read as follows:

13.24.070 Permit required to stack wood. It is unlawful to pile, stack or cord any wood on any public side walk, alley or thoroughfare to be sold or offered for sale without a written permit from **the city manager or his designee**~~the city council~~. (Ord. 840 §9, 1939).

Section 13.24.090 is hereby amended to read as follows:

13.24.090 Violation--Penalty. Any person violating any of the provisions of this chapter, upon conviction thereof, shall be punished by a fine of not less than ~~five~~ **fifty** dollars nor more than ~~fifty five hundred~~ **fifty five hundred** dollars or by imprisonment in the city jail not less than two days nor more than twenty days. (Ord. 840 §10, 1939). *Refers to fines for obstructing sidewalks with dirt, debris, etc, as follows:*

Section 13.28.020 is hereby amended to read as follows:

13.28.020 Permit--Required--Application requirements. It is unlawful for any person, firm, corporation or association, to construct or install any service driveway across any sidewalk, parking strip, curb or in or upon any part of any street without first obtaining a permit from the city engineer or **his designee**. Any person, firm, corporation or association desiring to construct or install a service driveway shall make application in writing, to the city engineer or **his designee** for a permit, and such application shall state the location of the proposed service driveway, a description of the property in front of which such driveway is to be constructed or in stalled, the kind of material proposed to be used in the construction of such driveway, the width of the proposed driveway, and such other data and information as the city engineer or **his designee** may require before issuance of a permit. (Ord. 902 §2, 1948).

Section 13.28.030 is hereby amended to read as follows:

13.28.030 Permit--Issuance. A. For service drive ways on property frontages of one hundred feet or less where the city engineer or **his designee** finds that such driveways are not a menace to the safety of the city and will not seriously affect the parking area in that portion of the city where such driveway is proposed to be constructed and in line with the provisions of Section 13.28.020,

the city engineer or his designee shall issue a permit therefor.

I. In all cases the city engineer or his designee shall have the right to determine the location of each such driveway with reference to lot lines keeping in mind the use of the street, public safety, necessity for maximum parking space on street and the use for which the driveway is intended and the premises to be served.

Section 13.28.040 is hereby deleted:

~~13.28.040 Referral of application to council. In commercial districts of the city as defined by Ordinance No. 1006 upon an application for a service driveway in excess of widths provided in Section 13.28.030, the city engineer may refer the application to the city council. The city council, upon a finding that the amount of traffic on the street concerned, the parking available, the width of the street, the setback of the buildings from the street, and that pedestrian traffic would not be endangered may increase the maximum width for a service driveway; provided, however, that no driveway shall be built closer than two feet from the crosswalk at the curbline nor two feet from the extension into the street from the edge of any public or private alley. (Ord. 1165, 1963; Ord. 902 §3A, 1948).~~

Section 13.28.060 is amended to read as follows:

13.28.060 Permit--Fees. The permit fee for each service driveway shall be as follows set by resolution of the council:

~~A. For service driveways authorized under permit from the city engineer: five dollars;~~

~~— B. For service driveways submitted to and approved by the council: ten dollars. (Ord. 1443 §5, 1979; Ord. 902 §5, 1948).~~

Section 13.28.080 is amended to read as follows:

13.28.080 Nonconformance--Notice to alter. Any existing driveway violating the terms of this chapter and not in conformity to the provisions of this chapter shall be altered to conform to the provisions of this chapter ~~on or before January~~

~~1, 1949~~, upon notice from the ~~city council or~~ city engineer or his designee. If any person, firm or corporation owning the property served by such driveway fails, neglects or refuses to make such alteration after such notice, the city engineer may thereupon make such alteration and charge the cost against the owner of the property. If such costs are not promptly paid, the amount of the same shall be and become a lien upon the property served by such driveway. (Ord. 902 §7, 1948).

Section 13.28.090 is hereby deleted:

~~13.28.090 Review of refusal to issue permit. In the event the city engineer, in his discretion refuses to issue a permit for the driveway, his action in so refusing such permit shall be subject to review by the council. If the council finds that the construction and maintenance of any such driveway will not substantially impair, endanger, or interfere with the public convenience and safety, it shall by resolution direct the issuance of any such permit for a driveway or driveways of such width and at such location or locations as to the council shall be considered proper in furtherance of public safety, otherwise such permit shall not be issued. (Ord. 902 §8, 1948).~~

Section 13.36.010 is hereby amended to read as follows:

13.36.010 Definitions. The following words when used in this chapter shall have the meaning respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

A. "Engineer" means the city engineer or his designee.

Section 13.36.120 is hereby amended to read as follows:

13.36.120 City option to replace pavement--Cost. Whenever, in the opinion of the ~~council~~ city engineer, it would be to the best interest of the city for the city itself to replace or repair the street surface or pavement cut, which may be damaged, tunneled under or undermined under the provision of this chapter, such work shall be done by the city under the direction of the city engineer and the cost of such work shall be either charged to the person to whom the permit for such cut or excavation has been granted or deducted from security deposited by

him with the city engineer. (Ord. 1115 §12, 1961).

Section 13.40.050 is hereby amended to read as follows:

13.40.050 Construction--Findings required. Whenever the ~~street and sewer committee of the council~~ **city engineer** finds that any of the following conditions exist, and makes a written report thereof on any one or more of such conditions and in favor of the construction of a sidewalk in such area to the council on which the council favorably acts, then the council may proceed in the manner set forth in Sections 13.40.060 and 13.40.070:

Section 13.44.070 is hereby amended to read as follows:

*(speed limits in public parks) (anticipating a skateboard park)*

13.44.070 Speed limits. No person shall ride or drive a vehicle at a rate of speed exceeding ten miles per hour **except in a facility or upon a structure specifically designated therefor.** (Ord. 1282 §2(e), 1970).

Section 15.12.030 is hereby amended to read as follows:

C. If the applicant has complied with all of the requirements of this chapter, the city engineer shall issue a permit to move the building, or shall refer the matter to the ~~council and its~~ **city manager and his** decision thereafter shall be final.

D. If a permit is refused, the ~~council~~ **city manager** shall provide for a hearing at which the applicant may present information or relevant considerations to the council. (Ord. 1117 §3, 1961).

Section 15.12.060 is hereby amended to read as follows:

15.12.060 Violation--Penalty. Any person violating any of the provisions of this chapter, upon conviction thereof, shall be punished by a fine not to exceed ~~two hundred dollars~~ **that set by council resolution**, or by imprisonment in the city jail for a period not to exceed sixty days, or by both. (Ord. 1117 §6, 1961).

Section 15.20.090 is hereby amended to read as follows:

15.20.090 Permit--Fees--Required application information. A. Inspection Fees. An inspection fee **as set by council resolution** of ~~two dollars~~ shall be paid for each permit issued under Section 15.20.080. A reinspection fee **as set by council resolution** of ~~one dollar~~ shall be paid for each trip when extra inspections are necessary due to any one of the following:

Sections 15.28.030, 15.28.040 and 15.28.050 are hereby deleted:

~~15.28.030 Appointment of plumbing inspector. The mayor shall appoint, the plumbing inspector, whose duty it shall be to supervise and inspect the installation, repair, maintenance and alteration of all plumbing and drainage systems within the city. The inspector shall report to the city council all infringements upon and violations of any of the provisions of this chapter. (Ord. 927 §3, 1950).~~

~~15.28.040 Permit Requirements. A. It is unlawful for any person to install or alter any plumbing, or plumbing and drainage, or sewer system, or to install or alter any water supply system or any apparatus of any kind for the furnishing of water to any building within the city, or the disposing of drainage and sewage from such building until such person has first secured from the recorder of the city a permit to do so. All applications for permits under this chapter shall be made upon forms furnished and approved by the city council, and all such permits shall contain such requirements and specifications as may from time to time be adopted by the city.~~

~~15.28.050 Permit Fees. Before the issuance of any permit under this chapter, the applicant therefor shall pay to the recorder of the city a base fee of two dollars and fifty cents to which shall be added a fee of one dollar for each fixture or connection including but not limited to every connection with a water main, city sewer, cesspool, septic tank, toilet, laundry tub, sink, washbasin, bathtub, shower bath, floor drain, catch basin, sump, steam table, boiler blowoff tank, fish pond, fountain, or any drain and water outlet to furnish water either within or without the building, or to the premises for any other purpose. (Ord. 1011, 1954; Ord. 927 §5, 1950).~~



Section 15.28.090 is hereby amended to read as follows:

15.28.090 Persons unauthorized to open manholes, etc. No person except the ~~street commissioner~~ **the city engineer or his designee**, the ~~city marshal~~, or a duly authorized person shall open or uncover any man hole, air cooler, flush tank or private connection with the public sewers without the permission of **the city engineer or his designee** ~~plumbing inspector~~, nor shall any person leave openings in sewers without ample protection against admission of dirt, rubbish, or other matter tending to block the flow of sewage. (Ord. 927 §9(part), 1950).

Section 15.44.060 is hereby amended to read as follows:

15.44.060 Duties and responsibilities of the building official. Duties and responsibilities of the building official ~~may include, but not be limited to are~~ **enumerated in the job description approved by the city manager or his designee.**

~~—A. Permit Review.~~

~~—1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;~~

~~—2. Review all development permits to determine whether all necessary permits have been obtained from the federal, state, or local governmental agencies from which prior approval is required.~~

~~—B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.44.030, the building official may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 15.44.080(A) and (B), and Section 15.44.090.~~

~~—C. Information to be Obtained and Maintained.~~

~~—1. Where base flood elevation data is provided through the flood insurance study or required as in subsection B of this section, obtain and record the actual~~

~~elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;~~

~~2. For all new or substantially improved floodproofed structures:~~

~~a. Verify and record the actual elevation (in relation to mean sea level), and~~

~~b. Maintain the floodproofing certifications required in Section 15.44.080(B)(3);~~

~~3. Maintain for public inspection all records pertaining to the provisions of this chapter.~~

~~D. Interpretations. The city building official or other city official as designated by the city council, shall have the initial authority and responsibility to interpret and enforce all terms, provisions and requirements of this title. If requested, the interpretation shall be in writing.~~

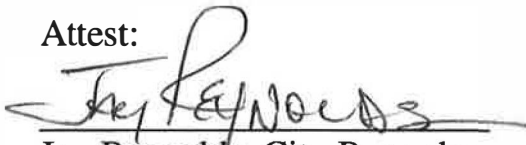
Read for the first time: August 12, 1996.

Read for the second time and passed: August 26, 1996 to become effective thirty (30) days hence.



Bob Palmer, Mayor

Attest:

  
Jay Reynolds, City Recorder