
Title 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.08. CITY PLANNING COMMISSION¹

Sec. 2.08.010. Interpretation.

The powers granted by this chapter shall be liberally or broadly construed. It is not the intent of this chapter to strictly confine the activities of the commission but rather to empower the commission to act in respect to planning over a broad range of subjects and activities, subject only to the limitation of the city Charter and ordinances, the state and federal statutes and Constitutions and the pleasure of the mayor, who may be advised in these matters, if necessary, by resolution of a majority of the council.

(Ord. No. 189, § 6, 1969)

Sec. 2.08.020. Created.

Pursuant to the authority contained in the city Charter and Oregon Revised Statutes 227.020, there is created the Stanfield Planning Commission which shall answer to and serve at the pleasure of the mayor of the city. Said planning commission shall continue until disbanded by order of the mayor.

(Ord. No. 189, § 1, 1969)

Sec. 2.08.030. Composition.

(a) The Stanfield Planning Commission shall consist of seven regular members who shall be appointed by the mayor. The terms of office of the various members shall be set by the city council for terms varying from two to four years so there will be a continuing membership at all times. The mayor shall appoint members to the commission as terms expire or vacancies otherwise occur. Said members shall serve without payment by the city.

~~(b) The mayor, the city engineer and the city attorney shall be ex officio members of said commission.~~

(Ord. No. 189, § 2, 1969)

Sec. 2.08.040. Organization.

The commission shall elect, by majority vote, one of the regular members to be ~~president chair~~ of the commission for the city fiscal year. ~~The commission shall also choose a secretary, who need not be a member of the commission, to keep accurate records and minutes and handle correspondence for the commission.~~

(Ord. No. 189, § 4, 1969)

Sec. 2.08.050. Scope of activities.

The commission may recommend the city council enter into planning agreements with other public planning authorities. The commission shall make, or cause to be made, all studies which may be necessary to determine the feasibility and costs for any land use program which may be proposed to the commission or for programs related to land use planning which the commission on its own motion may choose to study or participate in. Said programs are without limit as to their origin or nature, that is, they may arise locally, or they may be programs arising from county, state, or federal planning groups or from projects proposed to the city for its participation with county,

¹State law reference(s)—Provisions authorizing a city to create a city planning commission and to provide for its organization and operation, ORS Chapter 227.

state, or federal groups or authorities. Without limiting the scope of the commission's activities, it is expected that the commission's activities ~~may will~~ involve ~~recreation, housing and zoning~~the Comprehensive Plan, Development Code, Transportation System Plan, and other plans or programs related to land use planning.

(Ord. No. 189, § 3, 1969)

Sec. 2.08.060. Authority for cooperative action.

The ~~president of said~~ commission is granted the authority to recommend that the city council or city manager sign all necessary documents from other planning authorities so that the Stanfield Planning Commission may act in concert with various other planning authorities or to qualify the Stanfield Planning Commission for participation in, or eligibility for, planning funds from other public planning agencies or authorities.

(Ord. No. 189, § 5, 1969)

CHAPTER 2.16. REAL PROPERTY COMPENSATION

Sec. 2.16.010. Purpose.

~~This chapter is intended to implement the provisions of Chapter 197 of Oregon Revised Statutes by Ballot Measures 37 (November 2, 2004). These provisions establish a prompt, open, through and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city; preserves and protects limited public funds; and establishes a record of the city decision capable of circuit court review.~~

~~(Ord. No. 372-2004, § 1, 12-7-2004)~~

Sec. 2.16.020. Definitions.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*City manager* means the city manager of the City of Stanfield, or his designee.~~

~~*Claim* means a claim failed under Ballot Measures 37.~~

~~*Exempt land use regulation* means a land use regulation that:~~

- ~~(1) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;~~
- ~~(2) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and station regulations solid or hazardous waste regulations and pollution control regulations;~~
- ~~(3) Is required in order to comply with federal law;~~
- ~~(4) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or~~
- ~~(5) Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.~~

~~*Family member* means and includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparents or grandchild of the owner of the property, an estate of any of the foregoing family members or the owner of the property.~~

~~*Land use regulation* includes:~~

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- ~~(1) Any statute regulating the use of land or any interest therein;~~
 - ~~(2) Administrative rules and goals of the land conservation and development commission;~~
 - ~~(3) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;~~
 - ~~(4) Metropolitan services district regional framework plans, functional plans, planning goals and objectives; and~~
 - ~~(5) Statutes and administrative rules regulating farming and forest practices.~~
- ~~Owner means the present owner of the property, or any interest therein.~~

~~Valid claim means a claim submitted by the owner of real property that is subject to a land use regulation adopted for enforcement by the city that restricts the use of the private real property in a manner that reduces the fair market value of the property.~~

~~(Ord. No. 372-2004, § 2, 12-7-2004)~~

Sec. 2.16.030. Claim filing procedures.

- ~~(a) A person seeking to file a claim under this chapter must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the city manager office, or another city office if so designated by the city manager.~~
- ~~(b) A claim shall include the following:
 - ~~(1) The names, addresses and telephone numbers of all owners and anyone with any interest in the property, including lien holders, trustees, renters, lessees and a description of the ownership interest of each;~~
 - ~~(2) The address tax, lot and legal description of real property that is the subject of the claims, together with a title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting sole ownership of the property by the claimant and the date the property was acquired;~~
 - ~~(3) The current land use regulations that allegedly restricts the use of the real property and allegedly cause a reduction in the fair market value of the subject property;~~
 - ~~(4) The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the appraiser certification and licensure board of the state;~~
 - ~~(5) Copies of any leases or covenants, conditions and restrictions (CCRs) applicable to the property, if any, that imposes restrictions on the use of the property.~~~~
- ~~(c) Notwithstanding a claimant failure to provide all of the information required by subsection (b) of this section, the city may review and act on a claim.~~

~~(Ord. No. 372-2004, § 3, 12-7-2004)~~

Sec. 2.16.040. City manager investigation and recommendation.

- ~~(a) Following an investigation of a claim, the city manager shall forward a recommendation to the city council that the claim be:
 - ~~(1) Denied;~~
 - ~~(2) Investigated further;~~
 - ~~(3) Declared valid, and waive or modify the land use regulation for the claimant upon completion of an appraisal; or~~~~

~~(4) Evaluated with expectation of the city acquiring the property by condemnation.~~

~~(b) If the city manager's recommendation is that a claim be denied, the city manager shall send a notice of the denial to all elected officials of the city. If no elected officials informs the city manager within 14 days that the official disagree, then the city manager shall wait an additional seven days to see whether two or more elected officials object to the proposed denial. If they do, then the city manager shall schedule a work session with the city council. If not, the city manager may deny the claim.~~

~~(Ord. No. 372-2004, § 4, 12-7-2004)~~

~~Sec. 2.16.050. City council public hearing.~~

~~The city council shall conduct a public hearing before taking final action on a recommendation from the city manager. Notice of the public hearing shall be provided to the claimant, to owners and occupants of property within 300 feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the city council whose boundaries include the subject property.~~

~~(Ord. No. 372-2004, § 5, 12-7-2004)~~

~~Sec. 2.16.060. City council action on claim.~~

~~(a) Upon conclusion of the public hearing, and prior to the expiration of 180 days from the date the claim was filled, the city council shall:~~

~~(1) Determine that the claim does not meet the requirements of Measure 37 and this chapter, and deny the claim; or~~

~~(2) Adopt a resolution with findings therein that support a determination that the claim is valid and either direct that the claimant be compensated in an amount set forth in the resolution for the reduction in value of the property, or remove or modify the challenged land use regulation, or direct that it not be applied to the property.~~

~~(b) The city council decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged land use regulation with respect to the subject property.~~

~~(Ord. No. 372-2004, § 6, 12-7-2004)~~

~~Sec. 2.16.070. Processing fee.~~

~~The city manager shall maintain a record of the city costs in processing a claim, including the costs of obtaining information required by section 2.16.030 which the property owner does not provide the city. Following final action by the city on the claim at the local level, the city manager shall send to the property owner a bill for the actual costs, including staff and legal costs, that the city incurred in reviewing and acting on the claim.~~

~~(Ord. No. 372-2004, § 7, 12-7-2004)~~

~~CHAPTER 2.24. COMPREHENSIVE PLAN² LAND USE PLANNING~~

~~(RESERVED)~~

~~Sec. 2.24.010. Comprehensive Plan.~~

²Editor's note(s) — A copy of the Comprehensive Plan ordinance, Ordinance 211-83, is on file in the office of the city recorder/treasurer.

The City of Stanfield has adopted a Comprehensive Plan to guide its growth and development, providing guidance to the land use planning process and implementing the 14 statewide planning goals. The most recent adopted Comprehensive Plan was accomplished under Ordinance XXX and can be found on the City's website or is available for a reasonable cost at City Hall.

Sec. 2.24.020. Development Code.

The City of Stanfield has adopted a Development Code to implement the guidance outlined in the Comprehensive Plan and implement applicable Oregon Revised Statute and Oregon Administrative Rule. The most recent adopted Development Code was accomplished under Ordinance XXX and can be found on the City's website or is available for a reasonable cost at City Hall.

Sec. 2.24.030. Transportation System Plan.

The City of Stanfield has adopted a Transportation System Plan to implement Goal 12 of the Comprehensive Plan and the State of Oregon's Transportation Planning Rule. The most recent adopted Transportation System Plan was accomplished under Ordinance XXX and can be found on the City's website or is available for a reasonable cost at City Hall.

Sec. 2.24.040. Streetscape Plan.

The city finds that the City of Stanfield Streetscape Plan, on file in the city office and available on the city website, accurately reflects the wishes of the citizens and the city council regarding the streetscape of Main Street and Coe Avenue within the boundaries detailed in the plan.

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS

CHAPTER 5.04. BUSINESS LICENSES

Sec. 5.04.010. Purpose and intent.

The purpose of this chapter is to ensure that, in the conduct of the businesses, professions and occupations within the city, the public health, safety and welfare will be protected and maintained. Neither the acceptance of the prescribed fee nor the issuance of the applicable license shall be construed to constitute a permit to engage in any activity otherwise prohibited by law or ordinance, nor a waiver of any regulatory licensing requirements imposed by federal, state or county governments.

(Ord. No. 378-2006, § 1, 5-2-2006)

Sec. 5.04.020. Exemptions.

- (a) Nothing in this chapter shall be construed to apply to any person transacting and carrying on a business within the city which is exempt from taxation or regulation by the city by virtue of the Constitution of the United States or the State of Oregon.
- (b) No person whose income is based solely on a wage or salary shall, for the purpose of this chapter, be deemed a person transacting or carrying on any business in the city, and it is the intention that all license taxes and fees will be borne by the employer.
- (c) Any business paying a franchise tax or a fee under any city ordinance or resolution now existing is exempt from the requirements of this chapter.
- (d) Wholesalers making delivery to or taking orders from the daily licensed retail outlets within the city are exempt from this chapter.
- (e) Any person 16 years of age or younger who operates a business on a part-time basis, which business has an annual gross income of less than \$1,500.00 is exempt from this chapter.
- (f) Any business located outside the city is exempt from this chapter. Any such business desiring to purchase a business license under this chapter may do so upon payment of the license fee.
- (g) Babysitters are exempt from this chapter.

(Ord. No. 378-2006, § 2, 5-2-2006)

Sec. 5.04.030. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means agent or owner of the named business.

Auction means the sales, or offer to sell, by public outcry or to the highest bidder.

Business means any profession, trade, occupation, shop, and every type of calling wherein a charge is made for goods, materials or services. However, the renting of a dwelling unit shall not constitute a business unless it is part of the operation of an apartment house, ~~mobile-manufactured~~ home park, RV park, motel or hotel, or similar high density residential or commercial rental activity, with three or more dwelling units.

License means the permission granted for the carrying on of a business, profession or occupation within the city limits.

Licensee means the business as specified and named by the applicant.

Nonprofit organization means a bona fide organization with tax-exempt status.

Peddler.

- (1) The term "peddler" includes any person, whether a residents of the city or not:
 - a. Who goes from house to house or from place to place within the city, without invitation, offering or exposing for sale, selling or taking orders for goods, wares or merchandise, or any article or thing for the present or future delivery.
 - b. Who engages in a temporary business of selling or offering for sale goods, wares or merchandise or any article or thing of value for present or the future delivery, or for services then to be performed or to be performed in the future or for making, manufacture or repair of any articles or thing whatsoever for present or future delivery.
 - c. Who, in furtherance of such purpose, hires, leases, uses or occupies any building structure, motor vehicle, trailer, tent, public room in a hotel, lodging house, apartment, shop or any street or alley or other place within the city for the exhibition and sale of goods, wears, merchandise, services or manufactured articles.
- (2) The term "peddler" does not include:
 - a. A newspaper vendor or a regular commercial traveler employed by a wholesale house and selling goods, wares, merchandise or services to merchants of the city for the purpose of resale, or representatives of public utilities.
 - b. A person soliciting donations of money or property or financial assistance of any kind or selling or disturbing any item of literature or merchandise for a fee upon the streets, in an office building, by house to house canvass or in public places for charitable, religious, patriotic or philanthropic purposes.
 - c. A person who sells his own personal property which was not acquired for resale, barter or exchange and who does not conduct such sales or acts as a participant by furnishing goods in such a sale more than three times during any calendar year.

Person means all public and private corporations, including domestic and foreign corporations, firms, partnerships of every kind, associations, organizations, syndicates, joint ventures, societies, any other group acting as a unit, and individuals transacting and carrying on any business within the city.

Revocation (of any business licenses) means withdrawal of approval to operate a business.

Suspension (of any business licenses) means an official order to suspend business operation pending correction or ceasing of certain conditions or practices.

(Ord. No. 378-2006, § 3, 5-2-2006)

Sec. 5.04.040. License required.

- (a) A license fee is hereby imposed on any business not licensed by any other ordinance of the city, and it shall be unlawful for any person to engage in any such business within the city without first having obtained a license for the current year provided under this chapter.
- (b) The agent of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for any failure to comply with the provisions of this chapter or for any penalty assessed under this chapter, to the extent and with like effects, as if such agent was himself the proprietor or owner of the business.
- (c) A person engaged in business in more than one location, or in more than one business.
- (d) A person representing himself or exhibiting any sign or advertisement that he is engaged in business within the city on which a license fee is levied by this chapter shall be deemed to be actually engaged in such and be

liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this chapter.

- (e) The city may require proof of bonding or state registration. An applicant shall possess any county, state or federal licenses required, or shall be awaiting final approval by the county or state, if city approval is a prerequisite before a city license will be issued.
- (f) The city council waives the licensing fee for non-profit organizations having tax exempt status.

(Ord. No. 378-2006, § 4, 5-2-2006)

Sec. 5.04.050. Applications.

- (a) An application for a new business license, or for renewal of an existing business license shall be made to the city recorder upon forms furnished by the city. Each application shall state:
 - (1) The name of the proposed business.
 - (2) A description of the trade, shop, business, profession, occupation or calling to be carried on.
 - (3) The name and address of the applicant.
 - (4) The address at which the business will be conducted, or the address of its Stanfield office.
 - (5) The amount of the license fee tendered with the application.
 - (6) The signature of the applicant or agent making the application.
 - (7) The date of application.
 - (8) Evidence of satisfaction of state registration, bonding or insurance if required, including registration number and the expiration date.
 - (9) The year for which application is made.
- (b) The city recorder may require the applicant to supply any additional information necessary to determine, under section 5.04.080, the applicant qualifications for the license. Review of the application shall not begin until required information has been provided.

(Ord. No. 378-2006, § 5, 5-2-2006)

Sec. 5.04.060. Fees.

The fee for business licenses shall be establish by resolution, and each business applicant shall purchase said business licenses through December 31 of each year, at which time said licenses shall expires and a expires and a new business license fee shall be payable. Any business purchasing a license after June 30 of any year shall pay one-half the required fee.

(Ord. No. 378-2006, § 6, 5-2-2006)

Sec. 5.04.070. Transfers and relocations.

- (a) *Transfer of licenses prohibited.* No licenses issued under this chapter shall be transferred or assigned to another person or be used for a purpose other than that for which it was issued.
- (b) *Relocation of an existing business.* In the event a business relocates, the licensee shall reapply to the city recorder to transfer the business' license. The city recorder may issue the license upon finding that the new location meets the requirements of this chapter.

(Ord. No. 378-2006, § 7, 5-2-2006)

Sec. 5.04.080. Licensed business annual list.

The city shall publish an annual list, and such interim supplements as it may deem appropriate, of all businesses licensed with the city. Copies of said list shall be available for distribution to the public.

(Ord. No. 378-2006, § 8, 5-2-2006)

Sec. 5.04.090. Approval, denial, revocation, or suspension of license.

(a) *Approval of application.*

- (1) The city recorder shall issue a decision on an application for a new business license within 30 days of the submission of a complete application and the required fee upon a finding that the applicant has met all requirements of federal, state and county law, and this chapter.
- (2) The city recorder shall issue a license renewal upon finding that the applicant has met all requirements of federal, state and county law, and this chapter.
- (3) If an application for a new license is approved, the city recorder shall notify the applicant in writing. The notice shall state any conditions or limitations placed on the license as a condition of maintaining the license which the city council deems necessary to protect the public health, safety or welfare which are required by federal, state or county law, or this chapter.

(b) *Denial revocation or suspension of licenses.* The city recorder may deny suspend or revoke a business license upon finding that:

- (1) The licensee fails to meet the requirements of, or is doing business in violation of federal, state or county law requirements, or this chapter.
- (2) The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the application, related materials or license.
- (3) The applicant's past or present violation of the law or ordinances presents a reasonable doubt about his ability to perform the licensed activity.
- (4) The information supplied for the review does not indicate that the applicant has a special knowledge or skill required for performing the licensed activity.
- (5) The licensed activity or device would endanger property or the public health or safety.

(c) *Notice.* The city recorder shall provide written notice to the applicant or licensee of a denial, suspension, or revocation. The notice shall state the reason for the action taken, shall inform the applicant of the right to appeal under section 5.04.100. The notice shall be given 15 days before the revocation becomes effective. If the violations end within the 15-day period, the city recorder may discontinue the revocation proceedings.

(d) *Reapplication.* A person whose application for a business license has been denied or whose license has been revoked may, after 90 days from the date of denial or revocation, apply for a license upon a payment of the application fee and submission of an application form and related documents.

(e) *Disqualification.* A person whose application for any business license has been denied or whose license has been revoked for a total of two times within a year or who has a total of four denials or revocations, shall be disqualified from applying for a license for a period of two years from the date of the revocation or denial.

(f) *Summary suspension.* Upon determining that a licensed activity or device presents an immediate danger to a person or property, the city recorder may summarily suspended the license for the activity or device. The suspension takes effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensed business address as stated on the license application and giving notice of the provision for appeal under the section 5.04.100 within ten days of a summary suspension and shall determine whether said facts deem it necessary to the city, or otherwise ensure that the requirements of this chapter are complied with. The city recorder may continue a suspension as long as the reason for the

suspension exists or until a determination on appeal regarding the suspension is made under section 5.04.100.

(Ord. No. 378-2006, § 9, 5-2-2006)

Sec. 5.04.100. Appeal.

In the event an applicant for a license under this chapter is denied such license, or in the event a license is suspended or revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the city council shall be filed with the city recorder within 15 days after the denial of license, suspension, or revocation. The city council shall hear and make a determination in regards to the appeal at its next regular meeting immediately following the filing of the notice of appeal. The decision of the city council on such appeal shall be final and conclusive.

- (1) *Disclaimers and exceptions.* The levy or collection of a license fee upon any business shall not be construed to be a license or permit by the city to the person engaged therein in the event such business, shall be unlawful, illegal or prohibited by the law of the state or the United States, or ordinances of the city.
 - a. Nothing herein contained shall be taken or construed to vest any right in any license as a contract obligation on the part of the city. Business license fees, having made an application for a business license, shall be required if the applicant is a municipality.
 - b. None of the fees, bonds, or insurance requirements provided for in this chapter, or the rules adopted under this ordinance shall be required if the applicant is a municipality.
- (2) *General license requirements.* In addition to any other requirements of this chapter, and any rules adopted hereunder, licensees shall:
 - a. Conform to all federal, state, and local laws and regulations, the provisions of this chapter, and any rules adopted hereunder.
 - b. Notify the city within ten days of any change in material information contained in the application, related materials or license.
 - c. Display a business license upon request to any person with whom he is dealing as part of the licensed activity or to an officer or employee of the city.

(Ord. No. 378-2006, § 10, 5-2-2006)

Sec. 5.04.110. Specific requirements.

- (a) *Record of sales.* Businesses dealing in the purchase or trade of second-hand goods, such as, but not limited to, precious metals and jewelry, guns, or electric equipment, shall keep a record of the sales for inspection by the chief of police. Such a record shall include the name of the seller, the name of the buyer, the date of a sale, a description of the merchandise, sold, any serial numbers or distinguishing marks on the goods being traded, as well as other information that would enable the return of stolen goods.
- (b) *Merchant police, security services, and similar businesses.* Each individual shall agree to a complete background check by the chief of police to determine the qualification and reliability of the individual for the proposed business. The city may require a bond and such insurance as may be deemed proper. The licenses shall be issued only upon the police chief's approval of each person involved. Such approval is to be based on a complete background check.
- (c) *Peddlers.* The applicant must supply the names, addresses, dates of birth, driver license numbers and vehicle license numbers, and any other pertinent information regarding each background check by the chief of police to determine the qualification and reliability of the individual. The city may require a bond and such

insurance as may be deemed proper. The license shall be issued only upon the police chief's approval of each person involved. Such approval is to be based on a complete background check.

(d) *Non-profit organizations.*

(1) A non-profit organization which will conduct any type of business within the city on a continuous basis throughout the year shall make application to the city recorder upon suitable forms, furnished by the city, for the license to carry on the business for the current year. Upon the submission of the applicant and payment of the fee, the city recorder shall submit the application to the city council at its next regular meeting. After once obtaining approval by the council subsequent annual renewals of the non-profit organizations business is subject to all provisions of this chapter.

(2) Approval of a business license for non-profit organizations required in subsection (d)(1) of this section is subject to the following additional conditions:

a. Business licenses are only for activities conducted by members.

b. Non-profit organizations are request to obtain any and all county, state and federal permits for the business conducted.

(e) *Outside activities.* In the event a licensed business contracts to sponsor an outside activity, i.e., rodeo, circus, carnival, etc., a regular city business license must be obtained for that specific activity and the usual business license fee must be paid.

(Ord. No. 378-2006, § 12, 5-2-2006)

Sec. 5.04.120. Violations and penalties.

(a) Any person convicted of violating any provisions of this chapter shall be punished by a fine not to exceed \$250.00 for any one offense; each day constituting a separate offenses.

(b) *Inspection and right of entry.* Whenever they shall have cause to suspect a violation of any provisions of this chapter or when necessary to investigate an application for or revocation of a license under any procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation, providing they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under the authority of a lawful warrant.

(c) *Abatement.* Any business, which is established, operated, moved, altered, enlarged, or maintained contrary to the licensing requirements shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.

(d) *Legal proceeding by city attorney.* In addition to the enforcement provisions of this chapter, upon request by the city council, the city attorney may institute any additional proceeding, including, but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

(Ord. No. 378-2006, § 13, 5-2-2006)

Sec. 5.04.130. Fees.

The annual fee for a business license shall be set by resolution and shall be due each July 1, and shall be effective until the following June 30. The license will be subject to renewal annually.

(Ord. No. 378-2006, § 16, 5-2-2006)

Title 6 ANIMALS³

CHAPTER 6.12. LIVESTOCK AND POULTRY⁴

Sec. 6.12.010. Preface.

The city council finds that an unrestricted right to keep livestock within the city conflicts with the nature of a municipality and may unduly diminish the quality of community life for the city's residents. It is the purpose of this chapter to preserve and enhance that quality of community life by establishing procedures which will allow livestock to be kept subject to reasonable restrictions.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.020. Definitions.

As used in this chapter, the term "domestic livestock" means and includes cattle, pigs, horses, sheep, goats, mules, donkeys, chickens, turkeys, geese, ducks, rabbits, bees and any other animal customarily domesticated and maintained in the customary practice of animal husbandry in the area, but shall exclude dogs, cats and other household pets.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.030. Livestock prohibited without a permit.

No livestock may be kept within the city limits except pursuant to a valid permit issued pursuant to this chapter, and then only under such conditions as do not violate other ordinances.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.040. Permit procedures.

- (a) Persons desiring to keep livestock within the city limits shall apply for a permit to do so. The application shall be made on a form furnished by the city and shall be accompanied by any additional information required by the city for the purpose of making an informed decision on the application; and a fee. The fee may be reviewed, and amended by resolution of the city council.
- (b) Applications shall be decided by the city manager or designee.
- (c) New permit applications shall be required when a property owner or renter desires any additional type(s) or change in type(s) of livestock, such as from cattle to horses. Permits shall be renewed and reviewed on July 1 in odd numbered years accompanied by the livestock permit fee.
- (d) Permits may be revoked and/or terminated for non-use or if the livestock cannot be kept as humanely, and with no greater impact; due to odor, noise or unsightly conditions; as domestic livestock kept in the numbers and pursuant to the restrictions of this section. No permit shall be issued if keeping the animals within the city would endanger the public health and safety. Conditions of animals in dispute will be determined by an independent veterinarian at the property owners' cost. Written notice shall be given to the permit holder.

³State law reference(s)—Authority to prohibit the running at large of domestic animals within the corporate limits and to impound and sell such animals, ORS 221.916(9); provisions on dogs, ORS 609.010 et seq.

⁴Editor's note(s)—Ord. No. 446-2021 , § 1, adopted Oct. 19, 2021, repealed the former Ch. 6.12, §§ 6.12.010—6.12.130, and enacted a new Ch. 6.12 as set out herein. The former Ch. 6.12 pertained to similar subject matter and derived from Ord. No. 367-2003, §§ 1—13, adopted Nov. 4, 2003; Ord. No. 442-2020, § 1, adopted August 4, 2020.

Upon request, made within three business days, the permit holder shall be entitled to a public hearing before the city council.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.050. Standards for reviewing permits.

- (a) The following maximum number of units:
- (1) *Horses, mules and donkeys.* One-half acre of enclosed pasture shall be provided for each mare and foal or adult horse, for each adult mule, for each jenny and foal or adult donkey. For purposes of this restriction, a foal shall be considered an adult upon weaning or attaining the age of six months, whichever first occurs.
 - (2) *Cattle and buffalo.* One-half acre of enclosed pasture per cow and calf or adult cow shall be provided. For purposes of this restriction, a calf shall be considered an adult upon weaning.
 - (3) *Sheep and goats.* No sheep or goat may be kept within an enclosed pasture less than one-quarter acre in size and there shall be provided a minimum of 5,000 square feet per ewe and lamb or adult sheep and a minimum of 5,000 square feet per nanny and kid or adult goat. For the purposes of this restriction, after weaning, a lamb or kid shall be considered an adult animal.
 - (4) *Poultry and fowl.* Roosters are strictly prohibited and no family shall keep in excess of ten chickens, two turkeys, two geese, and three ducks within the City of Stanfield, and further, the aggregate number of chickens, turkeys, geese and ducks shall not exceed ten. If the lot or parcel is one-half acre in size or larger, an additional ten poultry and fowl are allowed for each one-half acre; calculated in the same manner described for lots or parcels of up to one-half acre in size. Poultry and fowl shall be kept within an enclosure and sited so as not to cause avoidable irritation due to noise or odor to owners of adjacent dwellings and animal wastes in connection therewith shall be regularly removed so as to avoid the creation of obnoxious odors. Shelter in the form of a chicken house or hutch shall be provided. No turkeys, geese, ducks or chickens shall be allowed to roam freely outside of said enclosure.
 - (5) *Rabbits.* Four rabbits are allowed in the City of Stanfield and said rabbits shall be kept within an enclosure under the same standards as specified in subsection (4) of this section for ducks, geese, turkeys and chickens. If the lot or parcel is one-half acre in size or larger, an additional four rabbits are allowed for each one-half acre; calculated in the same manner described for lots or parcels of up to one-half acre in size.
 - (6) *Bees.* Bees are allowed in the City of Stanfield. Apiaries must be managed in the interests of ensuring that they do not become a nuisance to neighbors and the public. Flight paths shall be managed by: (1) Establishing and maintaining a flyaway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the lot line and extends ten feet beyond the apiary in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the lot lines in the vicinity of the apiary; or (2) Other means to prevent flight paths from interfering with neighbors and the public.
 - (7) *Miniature animals.* The keeping of miniature animals of those types allowed in subsection (a)(1)—(6) and their numbers shall be permitted on a case by case basis by the city manager.
- (b) In determining the number of units to be allowed, factors such as the nature and quality of forage, unique features of the animals, the nature of the locale, aesthetics and other factors may be considered in addition to space. The space provided for containing animals shall be based only on pasture or fenced area and not include that portion reserved for houses or yard.
- (c) All outbuildings and other structures for the use or care of animals shall abide by setback requirements for accessory structures in the Stanfield Development Code.

(d) Livestock shall not be permitted to be kept in downtown commercial zone in the City of Stanfield.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.060. Pigs prohibited.

No person shall keep pigs within the city, and no permits shall be issued by the city council authorizing the keeping of pigs.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.070. Fencing.

All domestic livestock shall be kept within an enclosure, fenced in a manner adequate to contain animals being kept from all neighboring lots or parcels, dwelling units, and the yards surrounding the same. It shall be the responsibility of the owner of such livestock to maintain the fence or other enclosure, and the owner thereof shall be liable for any damage caused by escaping livestock. **No electric fence shall be permitted within the city nor shall barbed wire fencing be used adjacent to traveled public way.**

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.080. Carrying capacity.

No persons shall keep or maintain domestic livestock within the city if the carrying capacity of the pasture upon which they are situate is exceeded. It shall be prima facie evidence that the carrying capacity is being exceeded if the vegetative cover of the pasture is not being maintained.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.090. Permits revocable.

No property or prescriptive rights shall be created or affected by this chapter or any permits issued pursuant to it. All permits are revocable.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.100. Injunction.

If any animal is kept within the city in violation of this chapter, the city may obtain an injunction requiring removal thereof if said animal has not been removed within ten days of giving a notice demanding that the animal be removed.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.110. Variance procedure.

The city council may grant a variance from the requirements of this chapter when it finds that strict application would cause an undue hardship because of a pre-existing condition or extraordinary circumstances. If a variance is granted, the city council may attach such conditions as it deems appropriate and equitable.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Sec. 6.12.120. Penalty for violation.

Violation of this chapter is punishable by a fine of not more than \$500.00. In addition to any fines, the court may order the suspension or revocation of any permit violated.

(Ord. No. 446-2021 , § 1, 10-19-2021)

Title 8 HEALTH AND SAFETY

~~CHAPTER 8.24. AUTOMOBILE WRECKING YARDS⁵~~

~~Sec. 8.24.010. Regulations.~~

~~Every person, firm or corporation conducting within the city the business of wrecking, dismantling, permanently disassembling or substantially altering the form of motor vehicles or other machines shall confine said business and all parts of such motor vehicles and machines within a building, or within a tight board fenced enclosure being substantially constructed on all open sides or ends thereof. Said fence shall be constructed to a height of at least seven feet above the ground and shall be without openings or apertures, except necessary gateways or doors for ingress and egress. Gates and doors in said fence shall be kept closed when not in use for ingress or egress. No motor vehicle part or machinery part belonging to or under the control of the person, firm or corporation conducting such business shall be placed in public view on the outside of any such building or fence, and adjacent to such building or fence, with the exception of a reasonable display of merchandise for sale. Every person, firm or corporation conducting the business designated in this section shall keep the premises owned or controlled or used by such person, firm or corporation clear, clean and sightly on the outside of the building or fence enclosing such business and its operations.~~

~~(Ord. No. 113, § 1, 1951)~~

~~Sec. 8.24.020. Responsibility for cleaning premises.~~

~~If at any time such person, firm or corporation conducting the business described in section 8.24.010 should quit said business, said person, firm or corporation shall be required to leave the premises in neat and orderly condition and clean up all junk or rubbish.~~

~~(Ord. No. 113, § 2, 1951)~~

~~Sec. 8.24.030. Penalty for violation.~~

~~Every person, firm or corporation conducting the business described in section 8.24.010 who fails to comply with the provisions of section 8.24.010, or any of the provisions of this chapter, shall, upon conviction thereof, be punished by a fine of not less than \$5.00 nor more than \$200.00. Every day that such failure to comply with the provisions of this chapter continues constitutes a separate offense.~~

~~(Ord. No. 113, § 3, 1951; Ord. No. 145-78, § 1, 1978)~~

~~CHAPTER 8.28. JUNKYARDS~~

~~Sec. 8.28.010. Regulations.~~

~~(a) Any person, firm or corporation conducting within the city the business of storing, wrecking, dismantling or selling any used article shall confined said business within a building or within a fenced enclosure. Such fence shall be substantially constructed on all open sides or ends of the premises to a height of at least seven feet above the ground and without openings or apertures, excepting necessary gateways or doors for ingress or egress and which gates or doors in said fence shall be kept closed when not in used for ingress or egress.~~

⁵State law reference(s) — Auto wreckers and auto wrecking yards, ORS 481.345 et seq.

~~(b) No secondhand object belonging to or under the control of the person, firm or corporation conducting such business shall be placed in public view outside of the building or fenced enclosure where such business is conducted.~~

~~(Ord. No. 146, §§ 1, 2, 1962)~~

~~Sec. 8.28.020. Penalty for violation.~~

~~Every person, firm or corporation violating the provisions of this chapter shall upon conviction thereof, be punished by fine of not less than \$5.00 nor more than \$200.00 and the costs of prosecution, and, in default of payment of such fine, shall be imprisoned in the city jail for one day for each \$2.00 of such fine unpaid. Every day that failure to comply with section 8.28.010 continues constitutes a separate offense.~~

~~(Ord. No. 146, § 3, 1962)~~

Title 10 VEHICLES AND TRAFFIC

CHAPTER 10.20. ONE-WAY STREETS⁶

Sec. 10.20.010. Willow Drive—Designated one-way street.

Willow Drive, a street in the City of Stanfield, is designated as a one-way street for all vehicular, animal-drawn and bicycle traffic.

(Ord. No. 10-75, § 1, 1975; Ord. No. 130-77, § 1, 1977)

Sec. 10.20.020. Willow Drive—Designated loop street.

Willow Drive is a loop street which takes off from W. Harding Avenue and then reconnects to W. Harding Avenue at a second junction point some distance from the first or beginning intersection.

(Ord. No. 10-75, § 2, 1975)

Sec. 10.20.030. Willow Drive—W. Harding Avenue intersection—Entering traffic.

All traffic, except pedestrian, shall enter Willow Drive only at its westerly intersection with W. Harding Avenue.

(Ord. No. 10-75, § 3, 1975)

Sec. 10.20.040. Willow Drive—W. Harding Avenue intersection—Existing traffic.

All traffic on Willow Drive shall exit therefrom at its easterly intersection with W. Harding Avenue.

(Ord. No. 10-75, § 4, 1975)

Sec. 10.20.050. Willow Drive—W. Harding Avenue intersection—Locations.

Willow Drive and its two intersections with W. Harding Avenue are located in the Dixon Heights Addition to the city.

(Ord. No. 10-75, § 5, 1975)

Sec. 10.20.060. Penalty for violation.

Penalty for violation of this chapter shall be as provided in ORS 483.990(1).

(Ord. No. 10-75, § 6, 1975)

CHAPTER 10.30. OCCUPIED RECREATIONAL VEHICLE PARKING

Sec. 10.30.010. ~~Permit required~~Allowance.

~~Occupied recreational~~Recreational vehicles may be ~~parked upon a private lot in a residential zone, with the landowner's permission, only after receiving a permit from the city, as described in section 10.30.050~~occupied as a residential unit only in a Recreational Vehicle Park meeting the requirements of this Chapter.

⁶State law reference(s)—Authorizing local authorities to designate one-way streets, ORS 487.885.

(Ord. No. 335-2000, § 1, 3-7-2000)

Sec. 10.30.020. Water/sewage.

~~Any occupied recreational vehicle parked upon a private lot within the City of Stanfield shall have self-contained sewer and water facilities. Under no circumstances shall the recreational vehicle empty its sewage into the sewer line which serves the lot where the recreational vehicle is parked. The recreational vehicle owner or occupant shall dump the sewage at an approved site. A list of approved sites may be obtained at Stanfield City Hall. Under no circumstances shall the recreational vehicle have a continuous water connection on the lot where the recreational vehicle is parked or from any other lot occupied as a permanent residence in a Recreational Vehicle Park shall be connected to water, wastewater, and an electrical supply system.~~

(Ord. No. 335-2000, § 2, 3-7-2000)

Sec. 10.30.030. ~~No rent~~Rent.

The owner of the ~~lot~~ Recreational Vehicle Park upon which the recreational vehicle is parked ~~shall not~~ can charge rent for the use of the space occupied by the recreational vehicle.

(Ord. No. 335-2000, § 3, 3-7-2000)

Sec. 10.30.040. ~~One vehicle.~~

~~There shall never be, at any time, more than one occupied recreational vehicle parked upon any lot.~~

(Ord. No. 335-2000, § 4, 3-7-2000)

Sec. 10.30.050. ~~Permit.~~

- ~~(a) *Application/permit.* The city shall provide a form of application for a permit to allow occupied recreational vehicle parking upon a lot within the city. The owner of the property upon which the recreational vehicle shall be parked shall sign the permit. The application shall state the purpose for which the occupied recreational vehicle is parked upon the property, the name and address of the occupant of the recreational vehicle, the location and zoning of the lot where the recreational vehicle is located, and the description of the recreational vehicle including license number. Permits shall be granted for a period not to exceed 15 days. The city manager may, but is not required to, grant one 15-day permit, plus one 15-day extension may be granted in any 90-day period. The grant or denial of all permit applications is in the sole discretion of the city manager.~~
- ~~(b) *Fees.* The fee for an occupied recreational vehicle permit shall be \$10.00 for up to 15 days and \$10.00 for any 15-day extension.~~
- ~~(c) *Placement of permit.* The permit shall be placed in a window or a similarly obvious place on the recreational vehicle with the expiration date in clear view.~~

(Ord. No. 335-2000, § 5, 3-7-2000)

Sec. 10.30.060. ~~Owner liable.~~

~~The owner of the property upon which the recreational vehicle is parked shall be liable for any violations of this chapter.~~

(Ord. No. 335-2000, § 6, 3-7-2000)

~~Sec. 10.30.070. Violation.~~

~~A violation of any provision of this chapter shall be subject to a fine of not less than \$50.00 and not more than \$250.00. Each day the violation continues to exist shall be a separate violation.~~

(Ord. No. 335-2000, § 7, 3-7-2000)

**Sec. 10.30.~~080-040~~ Occupied recreational vehicle parking prohibited in ~~downtown,~~
commercial, or industrial zones.**

Occupied recreational vehicles may not be parked in any public right-of-way or on any private lot in any ~~downtown,~~ commercial, or industrial zones within the City of Stanfield, with the following exceptions:

- (1) Occupied recreational vehicles may be parked within approved recreational vehicle parks meeting the requirements above.
- (2) One occupied recreational vehicle may be used as a caretaker unit on a property in the general industrial zone, in accordance with section 2.3.160 of the Stanfield Development Code.

(Ord. No. 432-2019, § 1, 2-5-2019)

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

CHAPTER 12.20. TREE PLANTING

Sec. 12.20.010. Purpose and intent.

- (a) It is the purpose of this chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city.
- (b) The city recognizes and acknowledges that trees and urban forestry are a part of the livability and public image of our community.

(Ord. No. 409-2014, § 1, 4-15-2014)

Sec. 12.20.020. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means City of Stanfield, Oregon.

Crown means the leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Damage means injury to a tree that compromises its health or longevity, or causes its death, including direct or indirect injury caused by insect, disease, human or animal.

Disease means any tree disease or insect that compromises its health or longevity and is capable of being transmitted to other trees.

Hazardous tree means a tree or tree part that has a high potential to fall and cause damage or injury to people or property.

Major pruning means the selective removal of over 20 percent of a tree's crown.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Private tree means trees within the city that are not public trees.

Pruning means the selective removal of plant parts to meet specific goals and objectives.

Public areas means property owned by the city, all dedicated public rights-of-way, parks, and any property under the control of the city.

Public rights-of-way (ROW) means and includes, but is not limited to, streets, alleys, roads, highways, bridges, sidewalks, trails, paths, public easements and all other public ways, including the subsurface under and air space over these areas, but only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such streets and easements for telecommunications facilities.

Public trees means trees located on public areas.

Street trees means trees located on land lying within the public ROW of any dedicated street.

Topping means an inappropriate technique to reduce tree size; cutting a stem more than two years old at an indiscriminate location or back to a lateral branch too small to keep the cut stem vital (typically less than one-third the diameter of the cut stem); a type of pruning cut that destroys the tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.

Tree means a woody perennial, usually with one main trunk, attaining a height of at least six feet or a trunk diameter of at least two inches at 4.5 feet above natural grade.

Urban forestry means the planting, management and maintenance of trees and related vegetation growing within the city's urban growth boundary for the present and potential positive benefits and contributions to the health and vitality of the city.

(Ord. No. 409-2014, § 2, 4-15-2014)

Sec. 12.20.030. The city's public works committee.

- (a) The public works committee shall consist of ~~the two~~ council members and mayor to serve as an advisory committee to the city council. The city administrator and the public works director will serve as non-voting advisory members of the committee. The public works director shall serve as the city's urban forestry program manager.
- (b) Duties and responsibilities. It shall be the responsibility of the committee to study, investigate, counsel, and develop and/or update annually, and prepare a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. If changes to the plan are approved by the committee such changes shall be submitted to the city council as a whole for review and, upon acceptance and approval, shall become effective. The committee, when requested by the council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. In addition, the committee shall, after hearing, issue or deny such permits as may be called for in this chapter.

(Ord. No. 409-2014, § 3, 4-15-2014)

Sec. 12.20.040. Licensing; insurance.

It is the intent of the city council to protect trees and citizens from irresponsible companies or individuals who pose as arborists. It shall be unlawful for any person to engage in the business of cutting, trimming, pruning, or removing, trees or shrubs within the city without first producing evidence of certification/license and bonding before the city whether on private or public property. Licensing shall include a city business license. Before any license shall be issued, each applicant shall first file evidence of possession of worker's compensation and liability insurance for bodily injury or death in the amount of \$1,000,000.00 minimum and property damage of \$100,000.00 minimum indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavor as herein described. The exception to this clause is that utility franchisees or their contractors shall not be required to be licensed by the city, but are required to contact the city before beginning work in the city and provide contact information for both the utility and the contractor.

(Ord. No. 409-2014, § 4, 4-15-2014)

Sec. 12.20.050. Street tree plan.

- (a) All trees and shrubs hereafter planted in any public area in the city shall conform as to species and location to the street tree plan/planting guide which is hereby made a part of this chapter, by reference, upon its approval by the city public works committee, unless written permission is granted by the committee.
- (b) Landscaping and tree planting requirements for new developments and commercial zones are included in the city ~~development code~~Development Code, sections 3.2.300 and 3.2.400 Chapter 3 Design Standards Section 3.2 Landscaping, Street Trees, Fences and Walls.

(Ord. No. 409-2014, § 5, 4-15-2014)

Sec. 12.20.060. Prohibited trees.

- (a) It shall be unlawful to plant the following trees in the public ROW and any of such that naturalize shall be removed by the abutting property owner:
 - (1) Ailanthus (Tree of Heaven/Paradise Tree).
 - (2) Nut trees.
 - (3) Conifer.
 - (4) Poplar.
 - (5) Cottonwood.
 - (6) Willow.
 - (7) Fruit trees (excepting ornamental non-fruiting cultivars).
- (b) It shall be unlawful to plant willow, cottonwood, or poplar trees anywhere in the city unless the public works director approves the site as one where the tree roots will not interfere with a public sewer. The city tree planting guide shall serve as a resource for selection of appropriate trees for the city.

(Ord. No. 409-2014, § 6, 4-15-2014)

Sec. 12.20.070. Tree planting and maintenance.

- (a) *Tree selection.* The city develops and maintains a list of desirable trees for planting along streets which provides information on mature height and spread of trees.
- (b) *Overhead utilities.* No street trees other than those species with a mature height of 25 feet or less shall be planted under or within ten lateral feet of any overhead utility wire.
- (c) *Tree classifications.* Trees shall be classified as:
 - (1) Small-mature: height of 30 feet;
 - (2) Medium-mature: height of 40 feet;
 - (3) Large-mature: height 41 feet and taller.
- (d) *Sidewalks and curbs.* The distance trees may be planted from curbs or sidewalks shall be in accordance with the following:
 - (1) Small trees no closer than two feet;
 - (2) Medium trees no closer than three feet;
 - (3) Large trees no closer than four feet.

(Ord. No. 409-2014, § 7, 4-15-2014)

Sec. 12.20.080. Removal of trees; nuisance trees.

- (a) *Trimming or removal.* The city may cause to be trimmed, pruned or removed, any trees, shrubs, plants or vegetation in any public area or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants or vegetation in a public ROW abutting upon said owner's property, and failure to comply therewith, after 30 days' notice by the urban forestry manager, shall be deemed a violation of this chapter. Removal of any trees, shrubs, plants, or vegetation shall be deemed to include removal of the stump and major roots thereof. ~~Any person seeking to remove a tree unless under direction of the city as described above shall first obtain a permit from the urban forestry manager. Such permit will require the replacement of removed trees by a new tree unless the manager deems that the density of existing trees discourages planting new trees.~~

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- (b) *Dangerous trees a nuisance.* Any tree or shrub growing in a public area, or on private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer or sidewalk, is hereby declared to be a public nuisance, and the city public works committee may remove or trim such tree, or may require the property owner to remove or trim such tree after 30 days' notice by the ~~tree board~~public works committee, shall be deemed a violation of this chapter, and the city may then remove or trim said tree and assess the costs against the property.

(Ord. No. 409-2014, § 8, 4-15-2014)

Sec. 12.20.090. Topping, abuse, or mutilation of trees.

It shall be a violation of this chapter to abuse, top, destroy or mutilate any tree, shrub or plant in a public area, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public area, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots or leaves. It shall be unlawful and a violation of this chapter to top any tree located in a public area, except for a city electrical franchisee shall have the right to trim or top trees that are creating unsafe conditions or interfering with power lines; however, the city does encourage utilities to work with property owners to remove such trees and plant new trees that will not interfere with utility trees in place of such damaged or topped trees.

(Ord. No. 409-2014, § 9, 4-15-2014)

Sec. 12.20.100. Review by council.

The city council shall have the right to review the conduct, acts, and decisions of the public works committee. Any person may appeal any ruling or order of the committee to the city council by filing a written notice with the city administrator within ten days after such order or decision of the committee is made. The city council will review such decision at the next regular meeting based on the evidence submitted at the hearing of the committee. To overturn a decision of the committee. The motion must be approved by a quorum of the council.

(Ord. No. 409-2014, § 10, 4-15-2014)

Sec. 12.20.110. Penalty.

- (a) Any person violating any of the provisions of this chapter or failing to comply with them shall, upon conviction thereof, be punished by a fine not to exceed \$250.00 for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this chapter, the injury, mutilation or death of a tree or shrub located in or on a public area is caused, the cost of repair or replacement or appraised dollar value of such tree or shrub shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens, published by the International Society of Arboriculture.
- (b) Assessment of claim. In the event that a nuisance is not abated by the date specified in any notice served by the city, the city is authorized to cause the abatement of said nuisance. The city shall bill the violator for reasonable costs of such abatement and if such bill is not paid within 30 days, the abatement shall be filed as a lien against the property on which the nuisance was located or abutting property.

(Ord. No. 409-2014, § 11, 4-15-2014)

~~CHAPTER 12.30. STREETScape PLAN~~

~~Sec. 12.30.010. Adoption of the city streetscape plan.~~

~~The city finds that the city streetscape plan (Exhibit A), on file in the city offices, accurately reflects the wishes of the citizens and the city council regarding the streetscape of Main Street and Coe Avenue within the boundaries detailed in the plan.~~

(Ord. No. 417-2015, § 1, 11-17-2015)

Title 15 BUILDINGS AND CONSTRUCTION

~~CHAPTER 15.12. HISTORICAL LANDMARKS~~

~~Sec. 15.12.010. Purpose of preservation.~~

~~Buildings and sites in the city having special historic associations or significance or of special architectural merit or significance should be preserved as a part of the heritage of the citizens of the city and for the education, enjoyment and pride of the citizens, as well as the beautification of the city and enhancement of the values of such property. To that end, regulatory controls and administrative procedures are necessary.~~

~~(Ord. No. 144-78, § 2, 1978)~~

~~Sec. 15.12.020. Intent.~~

~~The council finds that it is in the public interest to take all steps legally possible to preserve buildings or sites having historical significance; that for such purpose a special commission should be established and procedure provided for designation of historical buildings and sites; that after such designation demolition should be subject to special controls and delays and exterior remodeling or alteration should also be subject to special controls; that continued use of such buildings and sites should be fostered and promoted, but controls imposed, including sign controls, to preserve the appropriate atmosphere and harmonious appearance of such buildings and sites.~~

~~(Ord. No. 144-78, § 1, 1978)~~

~~Sec. 15.12.030. Commission—Created—Organization.~~

~~(a) There is created the Stanfield Historical Landmarks Commission.~~

~~(b) This commission shall consist of five members, each entitled to one vote as follows:~~

~~(1) One member from the Stanfield Planning Commission;~~

~~(2) One member from the Umatilla County Historical Society;~~

~~(3) Two members from the Stanfield citizens at large; and the mayor, or his designee, ex officio.~~

~~(c) All members of the commission shall serve without compensation, and other than the mayor ex officio shall be appointed by the mayor or designated by him.~~

~~(d) All members shall serve for a term of four years, except the first appointments shall be for the following terms: one member shall be appointed initially for one year; one member shall be appointed initially for two years; one member shall be appointed initially for three years; and one member shall be appointed initially for four years.~~

~~(e) Any vacancy occurring in a position for any reason other than the expiration of the term shall be filled by appointment by the mayor for the remainder of the term.~~

~~(Ord. No. 144-78, § 3, 1978)~~

~~Sec. 15.12.040. Commission—Officers.~~

~~Within 30 days from the effective date of the ordinance codified in this chapter, the mayor shall make such appointments as are called for in this chapter and shall notify each appointee of the first regular meeting to be held, which meeting shall be held within at least 60 days from the effective date of the ordinance codified in this chapter. The mayor shall designate one member of the commission to be temporary chairman, and such temporary chairman shall preside over the first meeting and serve until permanent officers have been elected by majority vote of the entire membership of such commission. The officers so elected shall serve until the date of~~

the first annual meeting, or until their successors are regularly elected and take office. The officers of the Stanfield Historical Landmarks Commission shall consist of a chairman, vice chairman and secretary.

(Ord. No. 144-78, § 4(a), 1978)

Sec. 15.12.050. Commission—Meetings.

The annual meeting of Stanfield Historical Landmarks Commission shall be held each year during the month of January. In addition, the commission shall meet at least once every three months, and upon the call of the chairman. The regular time, place and manner of notice for meetings shall be fixed by rules of the commission.

(Ord. No. 144-78, § 4(b), 1978)

Sec. 15.12.060. Commission—Rules of procedure.

The commission shall establish and adopt its own rules of procedure. The commission shall submit an annual report to the mayor and city council covering its activity for the calendar year on or before the following February 1-

(Ord. No. 144-78, § 4(c), 1978)

Sec. 15.12.070. Commission—Functions and duties.

- (a) ~~The Stanfield Historical Landmarks Commission shall serve in an advisory capacity and make recommendations concerning historical buildings and sites to the city council, The Stanfield Planning Commission, and other public or private agencies on matters relating to the preservation of such buildings and sites.~~
- (b) ~~The commission may adopt such rules and regulations as it finds necessary or appropriate to carry out the intent of this chapter.~~
- (c) ~~The commission shall receive requests by any citizen, by owners of buildings or sites, or may on its own motion make recommendation concerning the designation of particular buildings and sites as historical buildings or historical sites.~~
- (d) ~~The commission shall recommend removal from any list of designated historical buildings and sites such property as it finds no longer worthy of such designation.~~
- (e) ~~The commission shall have authority to inspect and investigate any building or site in the city which it is requested to recommend designation as or which it has reason to believe is an architectural or historical landmark.~~
- (f) ~~The commission shall review all information which it has and shall hold hearings as prescribed in this chapter, and transmit the results thereof to the city officials as provided in this chapter.~~
- (g) ~~The commission shall have authority to coordinate historical preservation programs of the city, county, state and federal governments as they relate to property within the city.~~
- (h) ~~The commission may recommend to the city council or to the legislature of the state any changes of law which it finds appropriate or needed.~~
- (i) ~~The commission shall compile and maintain a current list of all historical buildings and sites which have been so designated pursuant to this chapter with a brief description of such building or site and the special reasons for its inclusion on such list.~~
- (j) ~~The commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and the various historical buildings and sites so designated pursuant to this chapter.~~

(k) ~~The commission shall perform such other duties relating to historical landmarks and historical buildings and sites as the city council or the mayor may request.~~

(Ord. No. 144-78, § 5, 1978)

~~Sec. 15.12.080. Designation procedures.~~

(a) ~~*Request.* Upon receipt of a request to designate a particular building or site as a historical building or site, or upon direction by the city council on its own motion, the city recorder/treasurer shall advise the owner of such building or site. The Stanfield Historical Landmarks Commission, and the Stanfield Planning Commission shall fix a date and time for a public hearing before the city council thereon. The recorder/treasurer shall notify abutting owners and shall transmit a copy of the request to the Stanfield Historical Landmarks Commission unless such request has come from the commission. The Stanfield Historical Landmarks Commission shall review all proposals for designation as historical building or site, unless the initial request has been made by said commission, and shall submit its recommendation to the city council prior to the public hearing.~~

(b) ~~*Hearing.* At such hearing, the owner of the property involved, the owners of all abutting property, a representative of the Stanfield Historical Landmarks Commission, and a representative of the Stanfield Planning Commission shall be entitled to be heard, and the council may hear all interested parties.~~

(c) ~~*Grounds for determination.* If the city council determines that a building proposed to be designated as a historical building has architectural significance or is of historical importance based upon past or present use, the council may designate such building as a historical building. If the council finds that a particular site had a prior use involving the establishment, growth or particular incidents relating to the history of the city, it may designate the same as a historical site.~~

(d) ~~*Designation removal.* If any historical building has been demolished or destroyed, the city council, on its own motion or upon recommendation of the Stanfield Historical Landmarks Commission, may remove the historical building designation therefrom. If such designation is proposed to be removed from any historical building or site for any other reason than set forth in this subsection, the similar notices, recommendations and hearings shall be held as upon the designation of a building or site as historical in the first instance.~~

(Ord. No. 144-78, § 6, 1978)

~~Sec. 15.12.090. Exterior remodeling or new structure on site—Application.~~

~~Notwithstanding the provisions of any adopted planning and zoning ordinances, whenever the Stanfield Historical Landmarks Commission receives from any person or from the building official an application for a permit for exterior remodeling of any designated historical building, or receives an application for construction of a new structure on a designated historical site, the commission shall notify the applicant of the date, time and place of a hearing thereon. Such hearing shall be held within 30 days after the filing of such application with the building official, or within 30 days after the filing of such application with the commission prior to filing with the building official, and, in that event, the commission shall transmit to the building official a copy of such application. All such applications shall be accompanied by plans and specifications, and the commission may require additional sketches of the proposed remodeling. The same procedure shall apply to an application to construct a new building on a designated historical site. This procedure shall not apply to a permit to restore the exterior of a designated historical building to its prior condition following damage to such exterior.~~

(Ord. No. 144-78, § 7(a), 1978)

~~Sec. 15.12.100. Exterior remodeling or new structure on site—Determination.~~

~~At the commission hearing designated in section 15.12.090, and a representative of the building department and the planning commission shall be entitled to be heard. The commission may also hear any other interested party. If the commission determines that the proposed remodeling or new structure will not adversely affect the~~

character of the building or site, and is in the public interest, or finds that the proposed exterior remodeling or new structure will enhance the historical value of such building or site, then the commission shall approve the issuance of a permit therefor by the building official, and, upon compliance with the building code and other codes of the city, such permit may be issued; provided, however, that variations from the building code and other codes of the city applicable to the situation may be permitted by the building official with the approval of the council. If the commission finds such action appropriate, it may approve the application for a permit for exterior remodeling or for a new structure on an historical site, upon conditions which the commission imposes, to promote and preserve the historical or architectural integrity of the building or site. Upon conditional approval, the building permit may be issued in accordance with such condition; however, if found necessary and appropriate, the commission may reject the application. In such event, the building permit shall not be issued thereafter unless the action of the commission is reversed on appeal as set forth in section 15.12.110.

(Ord. No. 144-78, § 7(b), 1978)

Sec. 15.12.110. Exterior remodeling or new structure on site—Appeals.

If the commission has imposed conditions on its approval of an application or has disapproved an application as set forth in section 15.12.100, the applicant, the owner or occupant of the building or site involved may appeal from the decision of the commission to the city council by filing with the commission and filing a copy with the building official of notice of appeal to the city council, if such notice is filed within ten days after such decision of the commission. Such notice of appeal shall immediately be transmitted to the city recorder/treasurer, who shall fix a date and time for hearing on such appeal before the city council. At the council hearing on such appeal, all interested parties may be heard. The council may reject the appeal and affirm the decision of the commission, may modify the decision of the commission, or may grant the appeal and direct a building permit to be issued, if the application for permit otherwise complies with the codes and ordinances of the city, and subject to permissible variations as set forth in section 15.12.100.

(Ord. No. 144-78, § 7(c), 1978)

Sec. 15.12.120. Signs.

Either before or after submission to the building official, and before issuance of a permit thereof, an application to replace or erect a sign on a designated historical building, on the property on which the designated historical building is located, or on a designated historical site, shall be reviewed by the Stanfield Historical Landmarks Commission. The commission shall hold a hearing on such sign application, at which hearing the applicant, the owner and the occupant of the premises shall be entitled to be heard. If the commission finds that the proposed sign will not unreasonably detract from the architectural and historical significance of the premises, taking into account the size, location, construction and any lighting of any such sign, then the commission shall approve the issuance of a permit therefor. Otherwise, the commission may impose special conditions on the size, location, construction or other characteristics of the proposed sign, or may reject the same. Such hearing shall be held within 30 days after the submission of the application to the Stanfield Historical Landmarks Commission. The applicant, owner or occupant shall have the same right of appeal and under the same procedural conditions as set forth in this chapter for appeals from actions of the commission relating to building permits for exterior remodeling of a designated historical building. The council may sustain, modify or overrule the action of the commission. Signs may be permitted under this chapter notwithstanding the provisions of any other ordinance of the city to the contrary.

(Ord. No. 144-78, § 10(a), 1978)

Sec. 15.12.130. Plaques.

The owner of a designated historical building or site or the occupant thereof with the consent of the owner may, at his own expense, install an identification plaque indicating the name, date, architect or other appropriate information upon the property; provided the size, material, design, location and text of such plaque is first approved by the Stanfield Historical Landmarks Commission.

(Ord. No. 144-78, § 10(b), 1978)

Sec. 15.12.140. Demolition—Permit.

- (a) *Hearing.* If an application is received from the building official or is initially made to the Stanfield Historical Landmarks Commission for a permit for demolition of any historical building or the demolition of a structure on a designated historical site, the commission shall, within 30 days after such application is initially filed, hold a hearing on the issuance of such permit. The applicant for a permit, the owner of the property and any occupant of the property shall be entitled to be heard. The commission may hear all other interested parties. The commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving such designated historical buildings and sites, the character of the neighborhood, and all other factors which it finds appropriate.
- (b) *Issuance—approval.* The commission may approve the issuance of the permit, in which event the building official may issue the permit in compliance with all other codes and ordinances of the city.
- (c) *Issuance—suspension.* The commission may reject the application for permit if it determines that in the interest of preserving the historical values the structure should not be demolished, and, in that event, issuance of the permit shall be suspended for a period fixed by the commission, but not exceeding 120 days from the date of application. Within said suspension period, the commission may request an extension of the suspension period by the city council. If the city council determines that there is a program or project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that such program or project may be successful, the council, in its discretion, may extend the suspension period for an additional period not exceeding 180 days to a total of not more than 300 days from the date of application for a demolition permit. During such period of suspension of permit application, no permit shall be issued for such demolition, nor shall any person demolish the building or structure, unless the council has granted an appeal and directed such issuance. If such program or project is unsuccessful and the applicant has not withdrawn his application for a demolition permit, the building official shall issue such permit, if the application otherwise complies with the codes and ordinances of the city.

(Ord. No. 144-78, § 8(a), 1978)

Sec. 15.12.150. Demolition—Appeals.

Action by the commission suspending issuance of permit for demolition may be appealed by the applicant for the permit, the owner or the occupant, by filing a notice of appeal, in the same manner as provided in this chapter for appeals from disapproval of remodeling permit. If such appeal is made, the procedure thereafter shall be the same as set forth in section 15.12.110.

(Ord. No. 144-78, § 8(b), 1978)

Sec. 15.12.160. Demolition—Review by commission.

Before taking any action to condemn a building or structure designated as a historical building or site, the Stanfield Historical Landmarks Commission shall review the report of the building official and any other city department relating to the condition of the building and premises and the extent of its danger, deterioration or decay. The commission shall report on its review and make its recommendations concerning city action to the city council if official action of condemnation is instituted.

(Ord. No. 144-78, § 8(c), 1978)

~~Sec. 15.12.170. Demolition—Historical record of building.~~

~~(a) *History.* If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Stanfield Historical Landmarks Commission shall keep a pictorial and graphic history of the historical building or historical site with such additional data as it may obtain.~~

~~(b) *Artifacts.* To the extent funds are available or the commission may obtain donations thereof, the Stanfield Historical Landmarks Commission shall obtain artifacts from the building or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical importance.~~

~~(Ord. No. 144-78, § 9, 1978)~~

~~Sec. 15.12.180. Penalty for violation.~~

~~Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000.00.~~

~~(Ord. No. 144-78, § 11, 1978)~~

~~Title 16~~ **SUBDIVISIONS**

Title 17 FLOODPLAIN

CHAPTER 17.04. FLOODPLAIN ZONING

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 17.04.010. Statutory authorization.

The legislature of the state of Oregon has in the Oregon Revised Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(Ord. No. 319, § 2(§ 2.1), 1998)

Sec. 17.04.020. Findings of fact.

- (a) The flood hazard areas of Stanfield are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- (c) Buoyant and hazardous materials and special flood hazard areas. Damage resulting from buoyant materials carried by rising flood water is well known. There is also a danger from hazardous materials placed or stored in flood hazard areas. The city will monitor the placement or storage of buoyant and hazardous materials within special flood hazard areas to ensure the safety of its citizens. The burden of proof rests with the applicant and is subject to planning commission review.

(Ord. No. 319, § 2(§ 2.2), 1998)

Sec. 17.04.030. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 319, § 2(\$ 2.3), 1998)

Sec. 17.04.040. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

(Ord. No. 319, § 2(\$ 2.4), 1998)

Sec. 17.04.050. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structures means and includes sheds or garages that are exempt from elevation or floodproofing requirements. Note section 17.04.330 for explanation.

Appeal means a request for a review of the Stanfield Planning Commission's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Base flood means the flood having a one percent chance of being equalled or exceeded in any given year. Designation on maps always includes the letters A or V.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any manmade change to improved or unimproved real estate, including, but not limited, to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Elevated building means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground by foundation walls, shear walls, post, piers, pilings or columns.

Existing manufactured home park or subdivision means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Hazardous material means and refers to a combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section 17.04.300(B).

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes recreational vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include recreational vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

Public works projects means projects necessary to enhance or maintain general public welfare. Such projects may include, but are not limited to, flood control structures, public buildings, city infrastructures, utilities, parks and projects associated with resource protection.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;

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- (3) — Designed to be self-propelled or permanently towable by a light-duty truck; and
 - (4) — Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, or seasonal use.

Start of construction means and includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start or construction" means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

Substantial improvement means:

- (1) — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - a. — Before the improvement or repair is started; or
 - b. — If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (2) — The term does not, however, include either:
 - a. — Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
 - b. — Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Water dependent means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 319, § 3, 1998)

ARTICLE II. GENERAL PROVISIONS

Sec. 17.04.060. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. No. 319, § 4(§ 4.1), 1998)

~~Sec. 17.04.070. Basis for establishing the areas of special flood hazard.~~

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Stanfield," dated September 4, 1986, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at Stanfield city hall, 155 W. Coe Street, Stanfield, Oregon.

(Ord. No. 319, § 4(\$ 4.2), 1998)

~~Sec. 17.04.080. Abrogation and greater restrictions.~~

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 319, § 4(\$ 4.3), 1998)

~~Sec. 17.04.090. Interpretation.~~

All provisions shall be:

- (1) — Considered as minimum requirements;
- (2) — Liberally construed in favor of the governing body; and
- (3) — Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 319, § 4(\$ 4.4), 1998)

~~Sec. 17.04.100. Warning and disclaimer of liability.~~

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter.

(Ord. No. 319, § 4(\$ 4.5), 1998)

ARTICLE III. ADMINISTRATION

~~Sec. 17.04.110. Development permit required.~~

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 17.04.070. The permit shall be for all structures including manufactured homes, as set forth in section 17.04.050, and for all development, including fill and other activities, also as set forth in the definitions.

(Ord. No. 319, § 5(\$ 5.1 1), 1998)

~~Sec. 17.04.120. Application for development permit.~~

Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area

in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 17.04.310; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 319, § 5(§ 5.1-2), 1998)

Sec. 17.04.130. Permit for storage of buoyant or hazardous materials.

- (a) A special land use permit, requiring planning commission approval, must be obtained prior to storing, placing or stockpiling buoyant or hazardous materials in a flood hazard area.
- (b) Planning commission review of special permits to store, place or stockpile buoyant or hazardous materials. In determining whether or not a permit will be permitted to store, place or stockpile buoyant or hazardous materials in a flood hazard area, the planning commission shall consider the following:
 - (1) The nature of the materials; (e.g., buoyancy, toxicity, flammability);
 - (2) The danger that materials may be swept onto other properties or structures with resulting injury or damage;
 - (3) The necessity of locating the materials on the particular site, especially in terms of public benefit;
 - (4) The ability of emergency vehicles to reach the site in times of flooding;
 - (5) The availability of alternative locations which are less susceptible to flooding; and
 - (6) The application's plan for hazard mitigation.

(Ord. No. 319, § 5(§ 5.1-3), 1998)

Sec. 17.04.140. Designation of an administrator.

The city planner and planning commission chair are appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Either the planner or planning commission chair can act independently as administrator.

(Ord. No. 319, § 5.2, 1998)

Sec. 17.04.150. Duties and responsibilities of the city administrator.

Duties of the administrator shall include, but not be limited to, the following, as designated in sections 17.04.160 through 17.04.200.

(Ord. No. 319, § 5.3, 1998)

Sec. 17.04.160. Permit review.

Permit review duties of the administrator are as follows:

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

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- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 17.04.350(A) are met.

(Ord. No. 319, § 5(§ 5.3-1), 1998)

Sec. 17.04.170. Use of other base flood data.

When base flood elevation data has not been provided in accordance with section 17.04.070, "Basis for establishing the areas of special flood hazard," the administrator 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 sections 17.04.290 through 17.04.350.

(Ord. No. 319, § 5(§ 5.3-2), 1998)

Sec. 17.04.180. Information to be obtained and maintained.

- (a) Where base flood elevation data is provided through the flood insurance study or required as in section 17.04.170, 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.
- (b) For all new or substantially improved floodproofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level); and
 - (2) Maintain the floodproofing certifications required in section 17.04.120(C).
- (c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(Ord. No. 319, § 5(§ 5.3-3), 1998)

Sec. 17.04.190. Alteration of watercourses.

- (a) Notify adjacent communities and the appropriate state agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (b) Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.

(Ord. No. 319, § 5(§ 5.3-4), 1998)

Sec. 17.04.200. Interpretation of firm boundaries.

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in article IV, sections 17.04.210 through 17.04.220.

(Ord. No. 319, § 5(§ 5.3-5), 1998)

ARTICLE IV. VARIANCE PROCEDURE

Sec. 17.04.210. Appeal board.

- (a) ~~The planning commission, as established by the city, shall hear and decide appeals and requests for variances from the requirements of this chapter.~~
- (b) ~~The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by city personnel in the enforcement or administration of this chapter.~~
- (c) ~~Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the city council.~~
- (d) ~~In passing upon such application, the planning commission shall consider all technical evaluation, all relevant factors, standards specified in other sections of this chapter, and:~~
 - (1) ~~The danger that materials may be swept onto other lands to the injury of others;~~
 - (2) ~~The danger to life and property due to flooding or erosion damage;~~
 - (3) ~~The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
 - (4) ~~The importance of the services provided by the proposed facility to the community;~~
 - (5) ~~The necessity to the facility of a waterfront location, where applicable;~~
 - (6) ~~The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
 - (7) ~~The compatibility of the proposed use with existing and anticipated development;~~
 - (8) ~~The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
 - (9) ~~The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
 - 10. ~~The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
 - 11. ~~The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.~~
- (e) ~~Upon consideration of the factors of subsection (d) of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.~~
- (f) ~~The city administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.~~

(Ord. No. 319, § 5(§ 5.4-1), 1998)

Sec. 17.04.220. Conditions for variances.

- (a) ~~Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items designated in section 17.04.210(d)(1) through (11) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.~~

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- (b) ~~Variations may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in this section.~~
- (c) ~~Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~
- (d) ~~Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- (e) ~~Variations shall only be issued upon:~~
- ~~(1) A showing of good and sufficient cause;~~
 - ~~(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~
 - ~~(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in section 17.04.210(d), or conflict with existing laws or ordinances.~~
- (f) ~~Variations, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variations from the flood elevations should be quite rare.~~
- (g) ~~Variations may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 17.04.220(a), and otherwise complies with sections 17.04.240 and 17.04.250.~~
- (h) ~~Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~(Ord. No. 319, § 5(\$ 5.4 2), 1998)~~

~~ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION~~

~~Sec. 17.04.230. General standards.~~

~~In all areas of special flood hazards, the following standards are required.~~

~~(Ord. No. 319, § 6(\$ 6.1), 1998)~~

~~Sec. 17.04.240. Anchoring.~~

- (a) ~~All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- (b) ~~All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~

~~(Ord. No. 319, § 6(\$ 6.1-1), 1998)~~

Sec. 17.04.250. Construction materials and methods.

- (a) ~~All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- (b) ~~All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~
- (c) ~~Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~(Ord. No. 319, § 6(§ 6.1-2), 1998)~~

Sec. 17.04.260. Utilities.

- (a) ~~All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~
- (b) ~~New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.~~
- (c) ~~On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~(Ord. No. 319, § 6(§ 6.1-3), 1998)~~

Sec. 17.04.270. Subdivision proposals.

- (a) ~~All subdivision proposals shall be consistent with the need to minimize flood damage.~~
- (b) ~~All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~
- (c) ~~All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.~~
- (d) ~~Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less.~~

~~(Ord. No. 319, § 6(§ 6.1-4), 1998)~~

Sec. 17.04.280. Review of building permits.

~~Where elevation data is not available, either through the flood insurance study or from another authoritative source (section 17.04.170), applications for building permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, the city's contour flood plain map, etc., where available. Failure to elevate at least two feet above grade in flood hazard areas may result in higher insurance rates.~~

~~(Ord. No. 319, § 6(§ 6.1-5), 1998)~~

Sec. 17.04.290. Specific standards.

~~In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 17.04.070, "Basis for establishing the areas of special flood hazard," or section 17.04.180, "Use of other base flood data," the following provisions are required.~~

(Ord. No. 319, § 6(§ 6.2), 1998)

Sec. 17.04.300. Residential construction.

- (a) ~~New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.~~
- (b) ~~Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~
 - (1) ~~A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~
 - (2) ~~The bottom of all openings shall be no higher than one foot above grade.~~
 - (3) ~~Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.~~

(Ord. No. 319, § 6(§ 6.2-1), 1998)

Sec. 17.04.310. Nonresidential construction.

~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:~~

- (1) ~~Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- (2) ~~Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- (3) ~~Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 17.04.180(b)~~
- (4) ~~Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in section 17.04.300(b)~~
- (5) ~~Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).~~

(Ord. No. 319, § 6(§ 6.2-2), 1998)

Sec. 17.04.320. Manufactured homes.

~~All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE on the community's FIRM on sites:~~

- (1) ~~Outside of a manufactured park or subdivision;~~
- (2) ~~In a new manufactured home park or subdivision;~~
- (3) ~~In an expansion to an existing manufactured home park or subdivision; or~~
- (4) ~~In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that~~

the lowest floor of the manufactured home is elevated one foot above the base flood elevation and securely designed foundation system to resist flotation, collapse and lateral movement.

(Ord. No. 319, § 6(§ 6.2-3), 1998)

Sec. 17.04.330. All accessory structures.

Accessory structures, such as sheds and small unattached garages, located outside of the floodway may be exempt from elevation and floodproofing standards; provided, the following conditions are met:

- (1) The accessory structures are not designed for human habitation;
- (2) The accessory structure shall be designed to have low flood damage potentials;
- (3) Accessory structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of water; and
- (4) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(Ord. No. 319, § 6(§ 6.2-4), 1998)

Sec. 17.04.340. Recreational vehicles.

Recreational vehicles placed in sites within zones A1-30, AH, and AE on the community's FIRM either:

- (1) Be on the site for fewer than one hundred eighty consecutive days;
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of section 17.04.320 and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 319, § 6(§ 6.2-5), 1998)

Sec. 17.04.350. Floodways.

Located within areas of special flood hazard established in section 17.04.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other development within the floodway.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article X, "Provisions for Flood Hazard Reduction."
- (3) The city recognizes that utilities, flood prevention structures and improvement projects that are in the public's best interest must sometimes encroach on designated floodways. In compliance with FEMA regulations, the city will permit floodway encroachments under the following conditions:
 1. The city has determined the proposed project to be of public necessity; and
 2. FEMA has approved the proposed project.

(Ord. No. 319, § 6(§ 6.3), 1998; Ord. No. 354-2002, § 2, 6-4-2002)

Sec. 17.04.353. Unlawful dumping.

It shall be unlawful to dump, deposit, or otherwise cause any trash, landscape debris, garbage or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water. Violations of this section shall be subject to fines stated in ordinance number 319 section 7.0 section 17.04.380.

(Ord. No. 354-2002, § 3, 6-4-2002)

Sec. 17.04.360. Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood area more than one foot at any point.

(Ord. No. 319, § 6(\$ 6.4), 1998)

Sec. 17.04.370. Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- (1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 1. Have the lowest floor (including the basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 17.04.310(c)
- (3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (4) Recreational vehicles placed within AO zones on the community's FIRM either:
 1. Be on the site fewer than one hundred eighty consecutive days;
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 3. Meet the requirements of section 17.04.320 and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 319, § 6(\$ 6.5), 1998)

ARTICLE VI. PENALTIES FOR NONCOMPLIANCE

Sec. 17.04.380. Penalties for noncompliance.

~~No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be assessed a civil infraction assessment in an amount not to exceed five hundred dollars. A violation of this chapter shall be considered a separate offense for each day the violation continues. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.~~

~~(Ord. No. 319, § 7, 1998)~~