

ORDINANCE NO. 5026

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE, CHAPTERS:

- 1.01 Code Adoption
- 5.08 Peddlers - Solicitors
- 6.04 Dogs
- 6.12 Animals Running at Large
- 6.14 Cruelty to Animals
- 6.18 Dangerous Dogs
- 7.08 Disorderly Conduct
- 7.12 Immoral Practices
- 7.16 Weapons
- 7.20 Vagrancy
- 7.28 Park Regulations
- 7.32 Petty Larceny-- Shoplifting
- 7.36 Lodging Accommodations
- 7.40 Destruction of Property
- 7.44 Minors
- 7.48 Illegal Use of Telephone
- 7.52 Littering
- 7.72 Interference with Police or Fire Department
- 7.74 Burglary and Robbery Alarms
- 7.84 Public Nuisances
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- 13.21 Regulations for Motor Vehicle Parking
- 13.33 Temporary right-of-way use permit
- 13.36 General Regulations
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- 14.04 Encroachments
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- 14.16 Sidewalk Repairs
- 14.24 Benches on Public Sidewalks
- 18.04 Building Codes
- 18.08 Electrical Code
- 18.12 Plumbing Code
- 18.16 Dangerous Buildings
- 18.18 Moving Buildings

AND REPEALING CHAPTERS:

- 6.08 Keeping of Bees
- 7.80 Miscellaneous Regulations
- 7.88 Prisoners
- 7.92 Enforcement
- 13.56 Prevention of Parking on Sidewalks
- 13.68 Log Truck Routes

AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary and desirable to periodically review, revise, and update the Albany Municipal Code in order to clarify language and remove unenforceable or cumbersome regulations.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN THE FOLLOWING REVISIONS:

Section 1:

1.01.050 Definitions and construction. Unless the context otherwise requires, the following words and phrases where used in the ordinances of the City of Albany shall have the meaning and construction given in this section:

~~(h) Gender. The masculine gender includes the feminine and neuter;~~

5.08.040 Investigation and issuance. ~~(d) If the application is returned from the chief of police endorsed "unsatisfactory", the city recorder shall notify the applicant that his/her application has been disapproved and the reasons therefor.~~

Title 6

ANIMALS

Chapters:

6.04 Dogs

~~6.08 Keeping of Bees~~

6.10 Keeping of Animals

6.12 Animals Running at Large

6.14 Cruelty to Animals

6.18 Dangerous Dogs

Chapter 6.04

DOGS

Sections:

6.04.015 Number of dogs permitted.

6.04.020 Dog at large.

6.04.050 Impoundment authorized.

~~6.04.060 Dog pound.~~

~~6.04.070 Record of impound.~~

6.04.090 Disposal of dogs.

6.04.095 Impoundment of dog biting a human.

6.04.100 Unclaimed dogs.

6.04.140 Wrongful impounding.

6.04.170 Public nuisance -- designated.

6.04.175 Public nuisance -- unlawful.

6.04.180 Owner responsible for damages.

6.04.185 Presumption of ownership.

6.04.190 Violation -- penalty.

~~6.04.060 Dog pound. The chief of police is hereby authorized and directed to secure a suitable place in which all impounded dogs may be confined and cared for during their retention.~~

~~6.04.070 Record of impound. Whenever any dog is impounded, a record of impoundment shall be made and maintained in the police department. If the owner of the impounded dog is known, that owner shall be notified of the impoundment.~~

6.04.090 Disposal of dogs. When a dog is impounded under authority of this chapter, the same shall be subject to disposal under those practices and procedures as established by Linn County or Benton County under its dog control procedures.

6.04.095 Impoundment of dog biting a human. Whenever any dog has bitten a human being, said dog

dog must be confined in a veterinary hospital, suitable kennel or Linn County or Benton County dog pound for a period of ten days for observation. The cost of the impoundment shall be the obligation of the owner or keeper of the dog.

6.04.100 Unclaimed dogs. Whenever any dog is impounded under authority of this chapter, then the same may be disposed of in such manner and procedure as adopted by Linn County or Benton County under its procedures for disposal and sale of dogs when not claimed by the owner or keeper.

6.04.140 Wrongful impounding. Any dog owner or keeper, believing himself/herself aggrieved by the seizure and impounding of his/her dog, may apply to the municipal judge for the release of such dog. The municipal judge shall thereupon set a time and place for hearing the application and notify the chief of police, and upon a summary hearing at such time and place, the municipal judge shall have full power to determine whether the dog has been wrongfully impounded and whether he/she shall be returned to his/her owner and upon what terms.

6.04.170 Public nuisance -- designated. Dogs shall be considered a public nuisance under the meaning of this chapter in the following instances:

(7) Any dog which barks continuously for more than ten (10) minutes during any one (1) hour period when such barking is audible off the premises of the dog's owner or keeper." ~~makes loud or frequent noise disruptive of any person's comfort or repose.~~

Chapter 6.08-

KEEPING OF BEES-

Sections:-

~~6.08.010 Number of stands or hives.~~

~~6.08.020 Location of stand or hive.~~

~~6.08.010 Number of stands or hives. The keeping of more than three stands or hives of bees on any one lot within the city is unlawful and is deemed to constitute a public nuisance.~~

~~6.08.020 Location of stand or hive. The keeping of a stand or hive of bees within thirty feet of any public street, highway, or alley within the city is unlawful and is deemed to constitute a public nuisance.~~

6.12.010 Animals running at large. Hereafter, no horse, mare, jack, jenny, mule, sheep, cow, heifer, bull, calf, hog, or any kind of cattle shall be allowed to run at large or to be herded on any of the streets, alleys, or public places in the city, or upon any private premises therein, except upon those of the owner or owners of such animals, except when such animals are being driven through the city for shipment or other purposes and when the owner, owners, or person in the possession or control of such animal or animals have first obtained permission of the owner or person in control of such private premises, from his/her agent, or from the occupant thereof.

6.12.050 Redemption of animal -- fees. If the owner proves before the sale takes place that the animal is his/her or that he/she is entitled to possession of it, he/she may take it upon payment of a reasonable fee based upon the cost of impounding, keeping the animal and posting notices.

6.12.070 Proceeds of sale. If at any time within six months after the date of such sale the owner or person entitled to the possession of any animal sold under the provisions of this chapter makes satisfactory proof of his/her title to such animal or animals, he/she shall be entitled to receive the proceeds of such sale less the cost of impounding, keeping and sale of the animal. But, if no proof is made within six months from the date of such sale, such proceeds shall thereafter be the property of the city.

6.14.010 Cruelty to animals. 1) A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he/she intentionally or recklessly:

- (a) subjects any animal under human custody or control to cruel mistreatment; or
- (b) subjects any animal under his/her custody or control to cruel neglect; or
- (c) kills without legal privilege any animal under the custody or control of another; or
- (d) fails to provide any animal in his/her custody with food, drink and protection from the elements;

or

(2) As used in this section, "animal" includes birds.

6.18.040 Regulation of potentially dangerous dogs. In addition to complying with all other requirements of this chapter, the owner of a potentially dangerous dog shall:

(3) Pay an annual fee of \$25.00 [] at the time the tag described in subsection (2) above is issued and a like fee each year thereafter so long as the dog remains within the corporate limits of the City of Albany. This fee shall be in addition to any other license fee.

Title 7

PUBLIC PEACE, MORALS AND SAFETY

Chapters:

<u>7.04</u>	<u>Definitions</u>
<u>7.08</u>	<u>Disorderly Conduct</u>
<u>7.12</u>	<u>Immoral Practices</u>
<u>7.16</u>	<u>Weapons</u>
<u>7.20</u>	<u>Vagrancy</u>
<u>7.24</u>	<u>Trains</u>
<u>7.28</u>	<u>Park Regulations</u>
<u>7.32</u>	<u>Petty Larceny--Shoplifting</u>
<u>7.36</u>	<u>Lodging Accommodations</u>
<u>7.40</u>	<u>Destruction of Property</u>
<u>7.44</u>	<u>Minors</u>
<u>7.48</u>	<u>Illegal Use of Telephone</u>
<u>7.52</u>	<u>Littering</u>
<u>7.60</u>	<u>Glue Sniffing</u>
<u>7.68</u>	<u>Obstruction of Passageways</u>
<u>7.72</u>	<u>Interference with Police or Fire Department</u>
<u>7.74</u>	<u>Burglary and Robbery Alarms</u>
<u>7.80</u>	<u>Miscellaneous Regulations</u>
<u>7.84</u>	<u>Public Nuisances</u>
<u>7.90</u>	<u>Buying and Selling Used Jewelry, Gem Stones, and Silverware</u>
<u>7.94</u>	<u>Railroad Crossings</u>
<u>7.96</u>	<u>Specified Crime Property</u>

7.08.010 Disorderly conduct. (1) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

(h) Creates a hazardous or physically offensive condition by any act which he/she is not licensed or privileged to do.

(2) Public Intoxication. A person commits the crime of public intoxication if he/she creates, while in a state of intoxication, any

7.08.030 Loitering. (1) A person commits the crime of loitering if he/she: (a) Loiters in or near a school building or grounds, not having any reason or relationship involving custody of or responsibility for a student, or upon inquiry by a peace officer or school official, not having a specific, legitimate reason for being there; or

(b) Loiters or prowls in a public place without apparent reason and under circumstances which

warrant justifiable alarm for the safety of persons or property in the vicinity and upon inquiry by a peace officer, refuses to identify himself/herself and give a reasonably credible account of his/her presence and purposes.

7.08.060 Tampering with Animals Used for Law Enforcement Purposes. It is unlawful for any person to torture, torment, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill, or tamper with any animal while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting to discharge any lawful duty or function or power of office by any police officer or his/her representative for any police agency.

7.12.062 Employment of juveniles for certain purposes prohibited. It is unlawful for any person to knowingly or recklessly hire, employ or otherwise engage for payment in money or any valuable consideration any juvenile for the purpose of furnishing obscene material to any person, for the purpose of selling admission to or acting as an usher or attendant at any obscene performance, for the purpose of delivering obscene materials, or for any other purpose when the duties of such juvenile will require or permit him/her to enter upon any premises where obscene materials are sold or displayed or any obscene performance is exhibited; provided, however, this section shall have no application where the parent or lawful guardian of a juvenile consents to such employment and the employment is not otherwise prohibited by state law.

7.16.010 Concealed weapons. No person other than an authorized officer or person licensed pursuant to ORS 166.290 shall carry concealed on or about his/her person in any manner any revolver, pistol, or other firearm, or any knife, other than an ordinary pocketknife, or any dirk, dagger, stiletto, metal knuckles or any other weapon by the use of which injury could be inflicted upon person or property.

7.16.030 Discharge of weapons. (1) Any person in the defense or protection of his/her property or family;

7.20.010 Possession of burglar's tools. (1) A person commits the crime of possession of burglar's tools if he/she possesses any burglar's tool with the intent to use the tools or knowing that some person intends to use the tools to commit or facilitate a forcible entry into premises or theft by physical taking.

7.28.050 Swimming regulations. No person in a park shall:

~~(2) Certain Hours. Frequent any waters or places designated for the purpose of swimming, bathing, or congregating except between such hours of the day as designated for each individual area.~~

~~(3) Costume. Wear a bathing suit which indecently exposes the person or calls forth merited criticism.~~

7.32.010 Definitions. As used in this code, unless context requires otherwise:

(2) "Deprive another of property" or "deprive" means to:

(a) Withhold property of another or cause property of another to be withheld from him/her permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him/her; or

7.32.020 Theft--Definition. A person commits theft when, with intent to deprive another of property or to appropriate property to himself/herself or to a third person, he/she:

(2) When the person knows or has good reason to know the property has been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and said person has the intent to deprive the owner thereof and he/she fails to take reasonable measures to restore the property to the owner;

(3) Shoplifting defined. Any person who willfully conceals or takes possession of any goods offered for sale by a wholesale or retail store or other mercantile establishment, without the knowledge or consent of the owner, and with the intent to convert the goods to his/her own use without paying the purchase price thereof, is guilty of shoplifting. It shall be prima facie evidence of an attempt to convert the goods to his/her own use if such goods are taken from the establishment without having paid for the same or without having made arrangements with the owner, manager, or one of his/her agents at the wholesale, retail or mercantile establishment to remove the goods. Any person found guilty of shoplifting as defined in this section shall, upon conviction, be punished as provided in Section 1.04.010 (Ord. 3462 §1, 1970).

Chapter 7.36

LODGING ACCOMMODATIONS

Sections:

7.36.010 Theft of services.

~~7.36.020 Lodging accommodations.~~

7.36.010 Theft of services. (1) A person commits a crime of theft of services if:

(a) With intent to avoid payment therefor, he/she obtains services that are available only for compensation, by force, threat, deception or other means to avoid payment for the services; or

(b) Having control over the disposition of labor or of business, commercial or industrial equipment or facilities or another, he/she uses or diverts to the use of himself/herself or a third person such labor, equipment or facilities with intent to derive a commercial benefit for himself/herself or a third person not entitled thereto.

~~7.36.020 Lodging accommodations. (1) No person shall write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house or other place where the transients are accommodated in the city, any other or different name or designation than the true name or designation of the person so registered, or the name or designation by which such person is generally known.~~

~~(2) No proprietor, manager or other person in charge of a hotel, lodging house, rooming house or other place where transients are accommodated shall: (a) Rent or assign rooms for joint and private occupancy by persons of the opposite sex unless such persons are registered as husband and wife, or as parent and minor child.~~

~~(b) Rent or assign rooms for joint and private occupancy by persons of the opposite sex, if, notwithstanding the lawful appearance of the registration, he/she has reasonable cause to believe such transients are not husband and wife or parent and minor child.~~

7.40.020 Criminal mischief. (1) A person commits the crime of criminal mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so or reasonable grounds to believe that he/she has such right, he/she tampers or interferes with property of another.

(2) A person commits the crime of criminal mischief in the second degree if he/she commits the crime defined in subsection (a) and in addition thereto the damages to the property are in an amount exceeding one hundred dollars or having no right to do so or no reasonable grounds to believe that he/she has such right, he/she intentionally damages property of another in any amount, or he/she recklessly damages property of another in an amount exceeding one hundred dollars.

7.40.040 Criminal trespass. (1) A person commits the crime of criminal trespass if he/she enters or remains unlawfully in or upon premises.

(d) "Person in charge" means a person, his/her representative or his/her employee who has lawful control of premises by ownership, tenancy, official position, or other legal relationship. It includes, but is not limited to the person, or holder of a position, designated as the person or position-holder in charge by city council, board, commission or governing body of any political subdivision of the state.

MINORS

Sections:

~~7.44.010 Endangering welfare of minor and child neglect.~~

~~7.44.020 Employment in certain places.~~

~~7.44.030 Employment in liquor establishment.~~

~~7.44.040 Visiting card rooms.~~

~~7.44.050 Sale of liquor to minors.~~

~~7.44.060 Misrepresentation of age by minor.~~

~~7.44.080 Delivery of medicine samples to minor.~~

~~7.44.090 Purchase of property from minor.~~

7.44.100 Age requirement.

7.44.110 Responsibility of guardian or parent.

7.44.120 Custody of minor until guardian or parent arrives.

7.44.130 Refusal of guardian or parent to take custody.

~~7.44.010 Endangering welfare of minor and child neglect. (1) A person commits the crime of endangering the welfare of a minor if he/she knowingly:~~

~~(a) Induces, causes or permits an unmarried person under the age of eighteen years to witness an act of sexual conduct or sadomasochistic abuse; or~~

~~(b) Permits a person under twenty one years of age to enter or remain in a place where unlawful narcotic or dangerous drug activities are maintained or conducted; or~~

~~(c) Induces, causes or permits a person under twenty one years of age to participate in gambling activities; or~~

~~(d) Sells or causes to be sold tobacco in any form to a person under the age of eighteen years.~~

~~(2) A person having custody or control of a child under ten years of age commits the crime of child neglect if, with criminal negligence, he/she leaves the child unattended in or at any place for such period of time as may be likely to endanger the health or welfare of such child.~~

~~7.44.020 Employment in certain places. It is unlawful for any person to employ a minor in or about any cardroom, poolroom, billiard room, shooting gallery, or dance hall.~~

~~7.44.030 Employment in liquor establishment. It is unlawful for any person operating any establishment licensed under the laws of the state of Oregon to vend or distribute intoxicating liquor, to engage or permit any minor to handle, distribute, or sell any intoxicating liquor.~~

~~7.44.040 Visiting card rooms. It is unlawful for any minor to enter, visit or loiter about any card room unless the minor is delivering merchandise at the request of the operator of the premises. It is unlawful for any person operating or assisting in the operation of any card room to permit any minor to enter, visit, or loiter about any such premises.~~

~~7.44.050 Sale of liquor to minors. It is unlawful for any person to sell, barter, trade, or give away to any minor any intoxicating liquor.~~

~~7.44.060 Misrepresentation of age by minor. A person commits the crime of misrepresentation of age by a minor if:~~

~~(1) Being less than a certain, specified age, he/she knowingly represents himself/herself to be of any age other than his/her true age with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age; or~~

~~(2) Being unmarried, he/she knowingly represents that he is married with the intent of securing a right, benefit or privilege which by law is denied to unmarried persons.~~

~~7.44.080 Delivery of medicine samples to minor. It is unlawful for any person to distribute or give away samples of any medicine or drug unless the same is manually delivered to an adult person or mailed to an adult person through the United States mails.~~

~~7.44.090 Purchase of property from minor. It is unlawful for any person to purchase any property or article of value from any minor or to have any dealings respecting the title of any property in the possession of any minor without the written consent of the parent or guardian of such minor.~~

7.44.120 Custody of minor until guardian or parent arrives. Any police officer or any other law enforcement officer is hereby authorized and empowered by the virtue of his/her office to take charge of any person under the age of eighteen years violating the provisions of this chapter, and it shall be the duty of any such officer taking charge of any such person to take such person to the police station and to thereafter notify the parent or guardian of such person immediately of the violation of the terms of this chapter, and to thereafter notify such parent or legal guardian that the person will be held in custody of the police station until said person can come to the police station to get the minor person, and the person shall be held at the police station pending the arrival of the parent or guardian.

7.48.010 Definition. Any person who by means of telephone communication:

(2) Makes a telephone call whether or not conversation ensues, with or without disclosing his/her identity and with the intent to annoy, abuse, threaten or harass any person at the called number; or

7.48.020 Allowing use of telephone. It is unlawful for any person knowingly to permit any telephone under his/her control to be used for any purpose prohibited by Section 7.48.010 and violation thereof shall be subject to punishment as provided in Section 1.04.010.

7.52.030 Offensive littering. (1) A person commits the crime of offensive littering if he/she creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

(c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he/she is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon or a person operating a school bus subject to ORS 485.010 to 485.060.

7.52.220 Notice of property owner--Cost of removal. The City Manager or his/her designate shall notify any owner or person in charge of real property upon which the litter is located to remove the same within ten (10) days after notice. Notice shall be given by certified mail with return receipt addressed to the owner as shown by the Assessment Records of Linn County, Oregon. In the event that the property owner fails to remove said litter within ten (10) days after notice, the City Manager or his/her designate shall take action to cause the nuisance to be abated.

7.72.010 Interference with police. A person commits a crime of interference with police if he/she intentionally interferes with any police officer or person duly empowered with police authority who is acting in the discharge of his/her duty if he/she:

7.72.030 Resisting arrest. (1) A person commits the crime of resisting arrest if he/she intentionally resists a person known by him/her to be a peace officer in making an arrest.

(3) It is no defense to a prosecution under this section that the peace officer lacked legal authority to make the arrest, provided he/she was acting under the color of his/her official authority.

7.74.060 Permit Fees. (1) The fee for alarm system permits shall be ~~\$10.00~~ [] per calendar year.

(4) A delinquency charge of ~~\$15.00~~ [] shall be assessed if an alarm user:

(5) If a suspended permit is reinstated during the term of its issue, a processing fee of ~~\$7.50~~ [] shall be charged for reinstatement.

7.74.080 False Alarms. Alarm permit fee surcharges will be assessed to the alarm user by the administrator for excessive false alarms during the permit year as follows:

3rd False Alarm	\$ 50.00 [] (EACH)
4th thru 9th False Alarm	75.00 [] (EACH)
10th and additional False Alarm	100.00 [] (EACH)

Chapter 7.80

MISCELLANEOUS REGULATIONS

Sections:-

- ~~7.80.010 Assault.~~
- ~~7.80.020 Purchases from intoxicated persons.~~
- ~~7.80.030 Sale of drugs.~~
- ~~7.80.050 Theft by receiving.~~
- ~~7.80.060 Expectoration.~~
- ~~7.80.070 Stench bombs.~~
- ~~7.80.080 Unlawfully using slugs.~~

~~7.80.010 Assault. (1) A person commits the crime of assault if he:~~
~~(a) Intentionally, knowingly, or recklessly causes physical injury to another; or~~
~~(b) With criminal negligence causes physical injury to another by means of a deadly weapon.~~
~~(2) MENACING. A person commits the crime of menacing if by word or conduct he intentionally attempts to place another person in fear of eminent serious physical injury.~~
~~(3) RECKLESSLY ENDANGERING ANOTHER PERSON. A person commits the crime of recklessly endangering another person if he recklessly engages in conduct which creates substantial risk of serious physical injury to another person.~~

~~7.80.020 Purchases from intoxicated persons. It is unlawful for any pawnbroker, junk dealer, chattel loan broker, or any other person to purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or to advance or to loan money to such person, or to have any dealings with any such person respecting the title to real or personal property.~~

~~7.80.030 Sale of drugs. No person shall, without proper authority, sell, use or possess for any purpose whatsoever any narcotic drug or barbiturate.~~

~~7.80.050 Theft by receiving. (1) A person commits theft by receiving if he receives, retains, conceals or disposes of property of another knowing or having good reason to know that the property was the subject of theft.~~
~~(2) "Receiving" means acquiring possession, control or title, or lending on the security of the property.~~

~~7.80.060 Expectoration. No person shall expectorate upon any sidewalk or street or on or in any public building or public place, except in receptacles provided for that purpose.~~

~~7.80.070 Stench bombs. No unauthorized person shall throw, drop, pour, deposit or discharge upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses with intent to wrongfully injure, molest or coerce another in the use, management or control of his person or property. No person shall attempt or aid in the attempt or commission of any such prohibited act.~~

~~7.80.080 Unlawfully using slugs. (1) A person commits the crime of unlawfully using slugs if:~~
~~(a) With intent to defraud the supplier of property or a service sold or offered by means of a coin machine, he inserts, deposits or otherwise uses a slug in such machine; or~~
~~(b) He makes, possesses, offers for sale or disposes of a slug with intent to enable a person to use it fraudulently in a coin machine.~~
~~(2) As used in this section:~~
~~(a) "Coin machine" means a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination or a token made for such purpose and in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition or use of some property or service;~~
~~(b) "Slug" means an object, article or device which, by virtue of its size, shape or any other quality is capable of being inserted, deposited, or otherwise used in a coin machine as a fraudulent substitute for a genuine coin, bill or token.~~

Chapter 7.84

PUBLIC NUISANCES

Sections:

- 7.84.010 Attractive nuisances.
- 7.84.020 Injurious substances on street.
- 7.84.030 Animal carcasses.
- 7.84.040 Deposit of offensive substances.
- 7.84.050 Drainage of surface waters.
- 7.84.060 Creating a hazard.
- 7.84.070 Junk defined.
- 7.84.080 Keeping of junk deemed nuisance.
- 7.84.090 Prohibited.
- 7.84.100 Exception.
- 7.84.110 Vegetation over ten inches high.
- 7.84.120 Publication and notice.
- 7.84.130 Abatement.
- 7.84.140 Ongoing sale of household items (garage sales) deemed a nuisance.
- ~~7.84.150 Prohibited home occupations.~~

7.84.020 Injurious substances on street. It is unlawful for any person, firm, or corporation to permit to accumulate in or upon any yard, lot, or place, or premises on any street, alley, or sidewalk adjacent to or abutting upon any lot, block, place, or premises owned or controlled by him/her or them, any stagnant water or filth of any kind or to suffer or permit such premises to be or remain in such condition as to cause or produce or create noisome or offensive smell.

7.84.030 Animal carcasses. It is unlawful for any person to suffer or permit the carcass of any animal owned by him/her to remain upon the public streets or ways, and no person who is the owner or occupant of any property shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of such owner or occupant forthwith to cause the carcass to be buried or other disposition made of the same.

7.84.060 Creating a hazard. A person commits the crime of creating a hazard if:

- (1) He/she intentionally maintains or leaves in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or
- (2) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more and a top width of twelve inches or more and he/she intentionally fails or refuses to cover or fence it with a suitable protective construction.

7.84.110 Vegetation over fifteen inches high. No owner of real property in the city shall allow to remain on his/her property within fifty feet of a public right-of-way, railroad right-of-way, private road, or any structure including a combustible fence or any weeds, grass, or other noxious vegetation over fifteen inches in height unless such is determined not to be a fire hazard by the Fire Chief or his designee. Such weeds, grass, or other noxious vegetation may be cut by the City as provided by Section 7.84.130.

7.84.120 Publication and notice. Between the 25th of May and the 25th of June of each year, the city manager or his/her designate shall cause to be published three (3) times in a newspaper of general circulation in the city of Albany a copy of AMC Sections 7.84.110 and 7.84.130 as notice to all owners and persons in charge of real property that they are to keep the property free of all tall grass, weeds, and other noxious vegetation.

7.84.130 Abatement. (2) Requested Cutting by City. At the request of the owner, the city manager or his/her designate will cause grass, weeds, or other noxious vegetation to be cut for a fee sufficient to cover the direct cost plus 30% for administrative overhead with a minimum fee of \$60.00 [_____].

- (3) Cutting by City. The city manager or his/her designate may cause to be cut any weeds, grass, or other

noxious vegetation which is in violation of AMC Section 7.84.110 at anytime following the deadline to cut set forth at subsection (1) of this section. The cost of the removal of said weeds, grass, and other noxious vegetation shall be as calculated in Subsection (b) of this Section and will be a charge to the owner of the property and will become a lien against the property.

(4) Right to Enter. In the event that it becomes necessary for the city manager or his/her designate to undertake the cutting and removal of the grass, weeds, and other noxious vegetation from any private lot within the city, the designate of the city manager shall have the right at reasonable times to enter into or upon said property to cut said grass, weeds, and other noxious vegetation.

(5) Cost to Become a Lien. Upon completion of the clearing of any real property under the provisions of AMC Section 7.84.130 hereof and in the event that the fee is not paid within thirty (30) days thereafter, the city manager or his/her designate shall file with the city recorder and thereafter present to the city council an itemized statement of the cost thereof as specified in AMC Section 7.84.130. After providing the notice and hearing set forth below, the City Council shall, by ordinance determine the reasonableness of said statements of costs and adjust the same, and thereupon the amount of said statements as approved by the City Council shall be an obligation owed to the City of Albany by the owner or owners of the real property involved, and the city shall have a lien upon said real property for such sum and the lien shall be entered in the lien docket and enforced against said property in the same manner provided for the enforcement of city liens.

(6) Notice and Hearing. Prior to the adoption of the ordinance referred to above, the City Manager or his/her designate shall cause a notice to be mailed by registered or certified mail, postage prepaid, to the record owner or owners of any real property upon which the City proposes to impose a lien for the costs of the clearing of any real property under this section. This notice shall be mailed to the owner or owners of the real property in question at the address designated on the Linn County Real Property Tax Assessment Roles. An error in the name of the property owner or owners shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void and any lien imposed pursuant to this section shall be a valid lien against the property. The notice shall contain a summary of the costs which are proposed to be assessed against the owner's property and shall advise of the City's intent to assess said costs against the real property upon which the work was performed and shall further advise the owner or owners of their right to a hearing before the City Council concerning the proposed assessment and the date and time of said hearing.

~~7.84.150 Prohibited Home Occupations. (1) There are certain activities and occupations, whether conducted for profit or not, which are unlawful when undertaken from a residential address. These endeavors infringe upon the rights of residents to enjoy the peaceful occupancy of their homes and may endanger the public's general health and safety to the extent that they are prohibited. They include:~~

~~(a) Auto body repair and painting.~~
~~(b) Ongoing mechanical repair conducted outside of an entirely enclosed building.~~
~~(c) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgement of the Fire Marshall pose a dangerous risk to the residence, its occupants, and/or surrounding properties.~~

~~(d) Junk and salvage operations.~~

~~(e) Storage and/or sale of fireworks in quantities judged by the Fire Marshall to be dangerous.~~

~~(2) The prohibition set forth above shall apply jointly and severally to each owner or occupant of the real property used in commission of the violation and/or any person who conducts the prohibited activity.~~

~~(3) Violation of this section shall be an infraction.~~

Chapter 7.88

PRISONERS¹

Sections:-

~~7.88.010 Escape from custody.~~

~~7.88.020 Delivery of liquor.~~

~~7.88.010 Escape from custody. (1) No person shall aid or attempt to aid in the escape of a confined prisoner or make available or provide any thing calculated to aid in such escape.~~

~~(2) No person shall knowingly aid an escaped prisoner by offering shelter, clothing, food or any other thing or service which would aid or abet the escape of such prisoner.~~

~~(3) No person shall, while a prisoner in the city jail, or in any other place where city prisoners are kept or confined, escape or attempt to escape from such custody or confinement.~~

~~7.88.020 Delivery of liquor. It is unlawful for any person to deliver, by any method whatsoever, any intoxicating liquor or narcotic drug to any person confined in the city jail or to attempt to convey or deliver to any such person any article without the permission and consent of the officer in charge.~~

Chapter 7.92

ENFORCEMENT

Sections:-

~~7.92.010 Fines and payment enforced.~~

~~7.92.020 Separate violations.~~

~~7.92.030 Working prisoners.~~

~~7.92.040 Attempt to commit offenses.~~

~~7.92.010 Fines and payment enforced. If any person shall neglect or refuse to pay any fine imposed upon conviction of a violation of this title, he shall be confined to the city jail one day for each five dollars of such fine.~~

~~7.92.020 Separate violations. Each violation of a provision of this title shall constitute a separate offense.~~

~~7.92.030 Working prisoners.² In all cases of conviction for any of the offenses mentioned in this title, where the penalty fixed by the court is confinement in the city jail for any term, the court additionally may order that the convicted person, during the term of his imprisonment, labor upon the streets or public works of the city under the direction of the proper authorities.~~

~~7.92.040 Attempt to commit offenses. Any person who attempts to commit any of the offenses mentioned in this title, but who for any reason is prevented from consummating the act, is deemed guilty of an offense.~~

~~7.96.010 Definitions. (1) "Chief of Police" As used in this chapter, includes the Chief of Police or any person designated by the Albany Chief of Police as his/her delegate in the enforcement of this chapter.~~

~~9.04.030 Definitions. Words used in the masculine gender shall include the feminine and the feminine the masculine.~~

¹For provisions relating to working of prisoners, see Section 7.92.030.

²For provisions relating to prisoners generally, see Chapter 7.88

10.08.030 Definitions. For the purposes of this section, the following words, phrases, abbreviations, terms and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. ~~Words used in the masculine gender include the feminine, and the feminine the masculine.~~

(3) Approving authority. The public works director of the City, or his/her duly authorized deputy, agent, or representative.

(18) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. ~~The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.~~

10.08.040 Public policy. It shall be the public policy of the City of Albany that the City Council does not intend to nor will it limit the City to its present boundaries or the wastewater treatment system to its present facilities.

(3) Contract. Use and benefits of the sanitary sewer system and wastewater treatment plant may be granted to property owners outside of the City on a contractual basis only and the contract shall require that the property owner shall annex his/her property to the City at the earliest date that the same becomes eligible for annexation under the laws of the State. The contract may further require for financing of the sewer extension, termination of service of the contract if any conditions are not met and any other requirements which are to be deemed in the best interest of the City.

10.08.102 Notice to Abate. (1) If the City Manager or his/her designate determines that a nuisance exists pursuant to Section 10.08.101(1) above, and, in the exercise of his/her discretion, that the nuisance should be abated, he/she shall cause a notice to be posted on the premises upon which said structure or building is located directing the property owner to abate said nuisance.

(2) At the time of posting, the City Manager or his/her designate shall cause a copy of the aforesaid notice to be forwarded by registered or certified mail, postage prepaid, to the record owner or owners of said property, or their agent at the address designated on the Linn County real property tax assessment roles.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, upon which the nuisance exists.

(b) A direction to abate the nuisance by a specified time which may be set by the City Manager or his/her designate. Said time shall be at least 30 days and at most 180 days.

10.08.103 Abatement Procedures. (1) In the event that the structure or building in question has not been lawfully connected to a public sanitary sewer nor obtained a nonconnection permit within the time specified in the notice of abatement, the City Manager or his/her designate may cause said structure or building to be connected to the public sewer.

(4) Notwithstanding the foregoing, if the City Manager or his/her designate finds that the structure or building has not been connected to the public sewer within the time specified in the notice but finds that the property owner/owners are making a good faith effort to complete said connection, the City Manager, or his/her designate, may grant one or more 30-day extensions upon the written request from the property owner/owners in question.

10.08.104 Assessment of Costs. (1) Upon completion of the connection pursuant to the foregoing abatement procedures, the City Manager or his/her designate, shall prepare a recap of all costs incurred in construction of the sewer connection in question. Said costs shall include the costs of all permits and connection fees customarily charged by the City at the time of said connection. To this sum shall be added 15 percent to help defer the City's engineering, legal and administrative expenses incurred in the aforesaid connection.

10.08.130 Service lateral construction. In order to regulate connections to the public sewers, to insure the proper installation of connections to the public sewers, and to insure the proper construction of private service laterals, the following regulations shall apply:

(2) Application & fee. The owner of the service lateral or his/her agent shall make application for an encroachment permit to the Building Department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent. A permit and inspection fee shall be paid to the City at the time the application is filed.

(6) Inspection. All excavations for service laterals shall be open trench unless approved by the Public Works Director; and no backfill shall be placed until the work has been inspected. The owner of the service lateral shall notify the City when the sewer is ready for inspection. The connection to the public sewer shall be made only under the supervision of the Public Works Director or his/her representatives.

(7) Connection to public sewer. The sewer connection shall be made at the "Y" branch. If the "Y" branch is not used or is not available, the owner shall, at his/her expense, install a "Y" branch in the public sewer or with prior approval of the Public Works Director, a neat hole may be cut into the public sewer and a "sewer boot" connection may be made. Under no circumstances shall the connection pipe extend past the inner surface of the public sewer. All connections shall be made secure and watertight.

10.08.150 Maintenance responsibility. Each user shall be responsible for the maintenance of his/her service lateral from the structure or facility served to the connection with the City public sewer. This shall include service laterals located in public rights-of-way. Maintenance may include, but is not limited to, removal of any blockages and prevention of any unpolluted water from entering the service lateral.

10.14.020 Permit requirements--Fees--Payment procedures. (2) Upon making an application as herein provided, such person shall pay to the city an amount equal to a rate to be established by Council Resolution. The depth of the property by this payment shall not exceed one hundred fifty feet except by special authorization of the director of public works or his/her duly authorized agent and based on reasonable judgment, such as:

Title 13

VEHICLES AND TRAFFIC

Chapters:

- 13.04 Adoption of State Traffic Act
- 13.08 Definitions
- 13.12 Enforcement
- 13.16 Signs and Signals
- 13.21 Regulations for Motor Vehicle Parking
- 13.22 Traffic Congested Thoroughfares
- 13.24 Funeral escort service
- 13.28 Pedestrians
- 13.32 Parades--Processions
- 13.33 Temporary right-of-way use permit
- 13.36 General Regulations
- 13.40 Bicycles
- 13.44 Impounding Vehicles
- 13.48 Emergency Vehicles
- 13.52 Citations
- ~~13.56 Prevention of Parking on Sidewalks~~
- 13.60 Airport Regulations
- 13.64 Vehicle Load Limits
- ~~13.68 Log Truck Routes~~
- 13.70 Abandoned Vehicles

13.08.060 Holidays. Where used in this title or on signs erected in accordance with this title, "holiday" means Sundays, ~~New Years Day, Independence Day, Labor Day, Christmas Day and Memorial Day~~ and any legal holidays observed by the State of Oregon, and, or, the City of Albany

Chapter 13.16

SIGNS AND SIGNALS

Sections:

13.16.010 Obedience required.

13.16.020 Stop signs.

~~13.16.030 Stop when traffic obstructed.~~

13.16.040 Private marking unlawful.

~~13.16.030 Stop when traffic obstructed. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.~~

13.21.030 Prohibited parking areas. No driver of a vehicle shall stop, stand or park it, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control signal, in any of the following places:

(5) On a sidewalk or in such a manner as to block a sidewalk;

13.21.130 Enforcement responsibility. The Chief of Police and every police officer shall have the responsibility for enforcement of the provisions of this chapter. The Chief of Police may appoint such additional persons as he/she deems necessary to act as parking enforcement officers. Such persons shall have the authority and responsibility to enforce all regulations of this chapter. Such parking enforcement officers shall be considered "issuing officers" for the purposes of ORS 221.340.

13.21.140 Responsibility of owner for parking violations. (b) In a prosecution of a vehicle owner charged with a violation of AMC Sections 13.21.010 through 13.21.120, proof that at the time of the alleged violation the vehicle was registered with the appropriate motor vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that he/she was the owner at the time of the violation in question.

13.21.160 Methods of charging parking violations. Whenever any officer having enforcement responsibility as provided in AMC Section 13.21.130 shall have reasonable cause to believe that a vehicle is parked in violation of any of the provisions of AMC Section 13.21.010 through 13.21.120, he/she shall issue a citation in conformance with ORS 221.340, and file the original thereof with the Municipal Court Clerk or such other person as the Clerk may designate to receive such citations.

13.21.170 Forfeiture. (a) Before midnight on the 14th day following the date of the alleged violation, any person charged with a violation of AMC Section 13.21.010 through 13.21.120 may, without personal appearance before the Municipal Judge, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be for an alleged violation of:

(1) AMC Section 13.21.020(a), 13.21.030(1) through 13.21.030(14), 13.21.050(a), 13.21.070, 13.21.080, 13.21.090, 13.21.100, and any other violation of 13.21.010 through 13.21.120 and any other parking regulations for which a specific forfeiture deposit is not set forth below, ~~\$7.00~~ [_____].

(2) AMC Section 13.21.020(b), 13.21.040, ~~\$5.00~~ [_____].

(3) AMC Section 13.21.030(12), ~~\$12.00~~ [_____].

(4) AMC Section 13.21.050(b) and (c), ~~\$25.00~~ [_____].

(b) After the period set forth in subsection (a) of this section, and before midnight of the 30th day following the date of the alleged offense, any person so charged may, without personal appearance before the Municipal Judge, make a forfeiture deposit in the amount designated in this subsection.

Municipal Judge, make a forfeiture deposit in the amount designated in this subsection.

If the amount under subsection (a) of this section for the alleged violation is:

- (1) \$5.00 [a], then the forfeiture shall be \$15.00 [b].
- (2) \$7.00 [a], then the forfeiture shall be \$17.00 [b].
- (3) \$12.00 [a], then the forfeiture shall be \$22.00 [b].
- (4) \$25.00 [a], then the forfeiture shall be \$35.00 [b].

(c) After midnight of the 30th day following the date of the alleged offense, any person so charged may, without personal appearance before the Municipal Judge, make a forfeiture deposit in the amount designated in this subsection. If the amount under subsection (a) of this section for the alleged violation is:

- (1) \$5.00 [a], then the forfeiture shall be \$25.00 [b].
- (2) \$7.00 [a], then the forfeiture shall be \$27.00 [b].
- (3) \$12.00 [a], then the forfeiture shall be \$32.00 [b].
- (4) \$25.00 [a], then the forfeiture shall be \$45.00 [b].

(d) The Municipal Judge may, in the exercise of his/her discretion and where he/she deems cause to exist therefore in a particular case, remit all or any portion of the forfeiture set forth in this section, or require any additional sum he/she deems necessary up to the maximum civil penalty prescribed in AMC Section 13.21.150.

13.21.180 Plea of defendant. Any person charged with a violation of AMC Section 13.21.010 through 13.21.120 shall plead either guilty, not guilty, or no contest to the charge by:

- (a) Appearing before the Municipal Judge and entering his/her plea in open court;
- (b) Entering his/her plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail which shall equal the forfeiture amount set forth at AMC 13.21.170;

13.21.200 Effect of forfeiture deposit not accompanied by answer. Whenever a person charged with a violation of AMC 13.21.010 through 13.21.120 makes a forfeiture deposit in the sum fixed pursuant to AMC 13.21.170, but does not enter his/her answer either personally or in writing, such deposit shall be deemed an answer of "no contest," except that, if the deposit is accompanied by a writing which does not specifically state an answer, the Municipal Judge may, in his/her discretion, treat the writing as either an answer of no contest or an answer of denial, depending on the tenor of the respondent's statement as to the material facts of the alleged violation, or may require that the respondent enter a specific answer within seven days, failure to enter which shall be deemed an answer of "no contest."

13.21.210 Procedure for adjudication of civil penalty. The procedure to be used for adjudicating a defendant's violation of AMC Section 13.21.010 through 13.21.120 and the appeal of any conviction therefrom shall be the same as those employed for the adjudication of any criminal violation of the Albany Municipal Code except that:

- (b) While the City Attorney may aid in preparing evidence and obtaining witnesses for trial, he/she shall not appear at such trial unless counsel for the defendant appears;

13.33.040 Fee. A fee of \$10.00 [] will be charged for any permit which involves the promotion or sale of merchandise or services.

13.36.120 Clinging to vehicles. No person riding upon any bicycle, motorcycle, coaster, roller skates, sled, or any toy vehicle shall attach the same or himself/herself to any moving vehicle upon the streets.

13.48.010 Applicability of title. The provisions of this title regulating the operation, parking and standing of vehicles apply to authorized emergency vehicles, except as provided by the motor vehicle laws of Oregon and as follows:

(2) A driver of a police vehicle or fire department or patrol vehicle when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as he/she does not endanger life or property;

(3) The foregoing exemptions do not, however, protect the driver of any such vehicle from the consequences of his/her reckless disregard of the safety of others.

Chapter 13.56

PREVENTION OF PARKING ON SIDEWALKS

Sections:-

~~13.56.010 Location of posts to be erected.~~

~~13.56.010 Location of posts to be erected. There shall be erected posts along the south line of the alley between First Avenue and Water Street at the intersection of Ellsworth Street in the city, to prevent motor vehiular traffic from using any portion of the sidewalk from the alley south to First Avenue.~~

13.60.030 Ground rules. (6) No motor vehicle shall be driven into the landing area proper without the express permission of the airport manager or his/her designated representative, or otherwise in accordance with his/her instructions.

13.60.040 Taxying rules. (1) No person shall taxi an aircraft to or from the hangar line or to or from an approved taxi space until he/she has ascertained that there will be no danger of collision with any person or object in the immediate area by visual inspection of the area, and, when available, through information furnished by airport attendants.

(4) Taxying aircraft shall be stopped at a minimum distance of fifty (50) feet from the active runway as marked by FAA standard broken yellow lines for engine run up and while awaiting take off clearance. Aircraft shall be turned to provide the pilot with a clear view of approaching aircraft, and it shall be his/her responsibility to remain clear of other traffic. No aircraft shall be moved onto a runway until ready for immediate takeoff.

Chapter 13.68

LOG TRUCK ROUTES

Sections:-

~~13.68.010 Designated.~~

~~13.68.020 Violation designated.~~

~~13.68.010 Designated. The following streets and public ways within the city are designated as log truck routes:-~~

~~Highway 99 E from southern city limits to northern city limits;~~

~~Highway 20 from east city limits to Highway 99E;~~

~~Old Pacific Highway from east city limits to Davidson Street;~~

~~Davidson Street from old Pacific Highway to Front Avenue;~~

~~Front Avenue from Davidson Street to Waverly Drive;~~

~~Waverly Drive from Front Avenue to northern city limits;~~

~~Main Street from Highway 99 E to Water Avenue;~~

~~Water Avenue from Main Street to Jefferson Street;~~

~~Madison Street from Water Avenue to the river;~~

~~Sixth Avenue from Main Street to Pine Street;~~

~~Lyon Street from Highway 99 E to Water Avenue;~~

~~First Avenue from Montgomery Street to Jefferson Street;
Montgomery Street from First Avenue to river;
Jefferson Street from First Avenue to river;
Elloworth Street from Highway 99 E to north city limits;
Queen Avenue from west city limits to Highway 99 E;
Santiam Road from Highway 99 E to Main Street;
34th from Highway 99 E to Southern Pacific Railroad.~~

~~13.68.020 Violation designated. It shall be a violation of this chapter for any loaded log trucks, including piling trucks, regardless of whether they are single or tandem axle or truck and trailer combinations, to travel, loaded, upon any other street or thoroughfare within the city other than upon the streets and public ways as set forth in Section 13.68.010.~~

14.04.030 Notices. All notices provided to be given in this chapter shall be in writing addressed to the licensee as his/her address appears at the assessor's records of the county in which the property is located. For the purpose of this chapter only, a license issued hereunder shall be to the owner of the property abutting the proposed encroachment upon public way and the license shall be one that runs with the land and the obligations of this chapter and the conditions of license shall attach to the land and succeed to each owner of the land abutting the encroachment.

Chapter 14.12

EXCAVATIONS

Sections:

- 14.12.010 Definitions.
- 14.12.020 Permit required.
- 14.12.030 Application for permit.
- 14.12.040 Security.
- 14.12.050 Issuance of permit.
- 14.12.060 Conduct of work.
- ~~14.12.070 Adherence to and exhibition of permits.~~
- 14.12.080 Notice of completion of work.
- 14.12.090 Barricades and safety measures.
- 14.12.100 Liability for accidents.
- 14.12.110 Repairs.
- 14.12.120 Option to city to replace pavement.
- 14.12.130 Applicability to city employees.
- 14.12.140 Emergencies.

14.12.030 Application for permit. (a) In the event of the application for permit for a limited time and for a specific cut or break in a street or alley, the applicant shall specify his/her name and address, the date of application, the name of the street or alley to be cut or tunneled under; the nature of the street surface or of pavement involved; the purpose of the work; the size and nature of the cut or excavation; the number of days required to complete the work; and an agreement to deposit such securities as required by the city engineer, to comply with the provisions of this chapter and with the specifications of the city engineer pertaining to the conduct of the work, to save the city and its employees harmless against any injury or damage which may result from the actions of the applicant, and to file a report of the work done within forty-eight hours of its completion. Application for each permit to be issued for a limited time and for a specific cut or break in the street or alley shall be accompanied by a fee of ~~two and one-half dollars~~ [_____].

(b) The application for an annual permit shall be in a form as prescribed by the city engineer and shall specify the name and address of the applicant; the date of the application; an agreement to deposit such security as required by the city engineer, to comply with the provisions of this chapter; an agreement to save the city and its employees harmless against any injury or damage as a result of the actions of the applicant, and to file a report of all work done under the permit within ten days after the initial cut or break in the alley or street has been made. Application for an annual permit shall be accompanied by a fee of ~~two hundred fifty dollars~~ [_____].

14.12.040 Security. Before the issuance of any permit, the city engineer shall require the applicant to file with him/her as security either:

(1) In the event an annual permit is requested, a surety bond in the amount of ~~one thousand dollars~~ \$5,000. In the event of an application for a permit for one particular cut or break in an alley or street, a surety bond in the amount fixed by the city engineer, but not to exceed ~~five hundred dollars~~ \$2,500. This bond may be left on deposit with the city for a period of one year. The bonds in either of said cases to be conditioned that the applicant will, immediately upon the completion of the work, remove all surplus earth, rubbish, or other materials, replace the pavement cut or undermined in a condition as good as or better than it was before, and keep the same in good repair, at his/her own expense, for a period of time to be designated by the city engineer, but not to exceed one year from the completion of the work;

14.12.050 Issuance of permit. If the city engineer is satisfied that the excavation, cut or tunnel is feasible and proper, that the application has been made in due form, that adequate security has been filed, as required by provisions of this chapter and upon payment of the permit fee, he/she shall issue a permit which shall designate the name and address of the persons to whom the permit is granted; the date of issuance of the permit; the street or streets to be cut or tunneled under; the estimated time in which the work is to be completed; and such other restrictions as may be deemed necessary or proper by the city engineer for the safety of the public or protection of public interests.

~~14.12.070 Adherence to and exhibition of permits. No work shall be undertaken other than that specified in the application and permit for a particular cut or excavation. Upon demand of the city engineer, his assistants or any police officer, the permit shall be produced at the place where the work is in progress or shall be on display at the place of business of the person within the city; or such work shall be stopped until the permit is produced.~~

14.12.090 Barricades and safety measures. Whenever any person or corporation shall, under authority of this chapter or otherwise, place any obstruction in a street or alley or make any excavation therein for any purpose whatsoever, it shall be the duty of such person or corporation to keep the obstructions or excavation properly safeguarded by substantial barricades and display lighted red lanterns or other lights or flares from dusk until day light in conformity with such regulations as may be specified by the city engineer. Whenever, in the opinion of the city engineer, the public safety is so seriously endangered by such cuts or excavations as to require constant supervision from dusk to daylight to insure that all barricades are in proper condition and location all warning lights are burning, and all traffic is properly routed around such barricades, the person to whom the permit for work has been granted shall be responsible for furnishing a night ~~watchman~~ watchperson for that purpose.

14.12.120 Option to city to replace pavement. Whenever, in the opinion of the street superintendent, it would be to the best interest of the city for the city itself to replace or repair the street surface or pavement cut, damaged, tunneled under, or undermined under the provisions of this chapter, such work shall be done by the city under the direction of the street superintendent and the cost of the work shall be either charged to the person to whom the permit for the cut or excavation has been granted or deducted from security deposited by him/her with the city engineer.

14.16.020 Notice of defective sidewalks. (1) If the owner of any lot or part thereof or parcel of land allows any sidewalk along the same to become out of repair, it shall be the duty of the City Engineer, his/her deputy or any persons appointed by the Council for that purpose, to give notice to the owner of the property adjacent to the defective sidewalk to repair it. The notice shall direct the owner, agent or occupant of the property to immediately repair the same in a good and substantial manner to comply with specifications for Albany's sidewalks.

Chapter 14.24

BENCHES ON PUBLIC SIDEWALKS

Sections:

- 14.24.010 Permit required.
- 14.24.020 Procedure for obtaining permit.
- 14.24.030 Size and weight of benches.
- ~~14.24.040 Indemnity insurance or bond.~~
- 14.24.050 Maintenance
- 14.24.060 Application fee.
- ~~14.24.070 Obscenity.~~
- 14.24.080 Revocation.
- 14.24.090 Removal of benches.

14.24.020 Procedure for obtaining permit. Before the issuance of any such permit, the written and signed approval of the owner, lessee, and/or tenant of the property abutting the location of each such bench shall be obtained and filed with the city recorder, together with the written application of the applicant, and accompanied by a description of the proposed bench, showing its size, design, and proposed location. The city recorder may either deny or allow the permit as in his/her discretion appears to the best interest of public safety and convenience. In case the city recorder shall deny any such permit, he/she shall make and keep in the records of his/her office a brief written statement of the reasons for the denial, and upon request shall furnish the applicant with a copy thereof, and the applicant may, within thirty days after the receipt of such notice, appeal to the common council from the ruling of the city recorder; and if he/she fails to do so, the decision of the city recorder shall be deemed final.

~~14.24.040 Indemnity insurance or bond.~~ Before installing any such bench or benches, the applicant shall obtain and lodge with the city recorder as to all such benches an indemnity bond and/or insurance policy issued by a reliable bonding or insurance company conditioned that the city, the officers and employees of the city, the abutting property owners or owner, or tenants, shall be held harmless as respects any claim or claims for damage to persons or property that might result through the placing and/or maintenance of such bench or benches, the amount of such bond or insurance to depend upon the number of bench permits covered thereby in accordance with the following schedule:

From 1 to 10 bench permits	\$ 5,000 to \$ 10,000
From 11 to 50 bench permits	10,000 to 20,000
From 51 to 100 bench permits	20,000 to 40,000
Over 100 bench permits	50,000 to 100,000

14.24.060 Application fee. Every application for a permit to install any such bench shall be accompanied by a fee of two and one half dollars [____], which shall cover the whole or remainder of the then current calendar year.

~~14.24.070 Obscenity.~~ It is unlawful to place or knowingly permit to remain on any such bench any writing, inscription, sign, symbol, illustration or matter or thing of whatsoever kind or nature which is of an obscene, indecent, offensive or unsightly character, or advertisements for any intoxicating beverage; and all persons responsible for the installation and/or maintenance of any such bench are hereby charged with the duty of keeping the bench unblemished and free of offensive matter or thing, and for failure so to do, the permit issued for the bench shall be canceled or subject to summary cancellation by the city recorder, subject to appeal to the council in time and manner as provided in Section 14.24.020.

14.24.080 Revocation. Any permit granted under the provisions of this chapter may be revoked, or renewal thereof denied for any violation of any of the provisions of this chapter for any fraud or misrepresentation in the application, or for any reason which would have been grounds for denial of the application, and if the abutting owner withdraws his/her consent to the continued maintenance of any bench, and gives written notice thereof to the city recorder, then at the expiration of the current term of the permit, a renewal of the permit shall be denied.

Any permit issued under this chapter shall be denied, canceled and revoked if the permittee fails to install the bench within sixty days after the issuance of the permit.

14.24.090 Removal of benches. Upon the termination of any such permit, or when in the judgement of the city recorder any such bench interferes with the making of any public improvement, or when in the judgement of the officer any such bench becomes or constitutes a hazard to the safety of persons or vehicles using the sidewalk or street in the immediate vicinity of the bench, the person or persons responsible for the installation and/or maintenance of such bench shall at his/her ~~or their~~ own sole risk and expense remove the bench and shall leave the site thereof in a clean and sightly condition, and in as good state of repair as the same was in when such installation was made, all in a manner satisfactory to the city recorder. If the permittee fails to remove any such bench within thirty days after the termination of such permit, the city recorder may remove such bench from the street, all at the sole risk of the permittee, and he/she shall pay to the city a penalty of ~~five dollars~~ \$1,000 to cover the cost of such removal, all this in addition to any other remedy provided by law for the violation of this chapter.

Title 18

BUILDINGS AND CONSTRUCTION

Chapters:

<u>18.04</u>	<u>Building Codes</u>
<u>18.08</u>	<u>Electrical Code</u>
<u>18.12</u>	<u>Plumbing Code</u>
<u>18.16</u>	<u>Dangerous Buildings</u>
<u>18.18</u>	<u>Moving Buildings</u>
<u>18.28</u>	<u>Swimming Pools</u>

Chapter 18.04

BUILDING CODES

Sections:

- 18.04.010 Adoption of the Oregon Structural Specialty Code. ~~and Fire and Life Safety Regulations.~~
- 18.04.050 Special permit fees.
- 18.04.060 Adoption of the Oregon Mechanical Specialty Code. ~~and Mechanical Fire and Life Safety Regulations.~~
- 18.04.080 Inspections.
- 18.04.090 Roof drains and gutters.
- ~~18.04.100 Construction in floodplains.~~
- 18.04.110 Unsafe buildings.
- ~~18.04.120 Sidewalks.~~
- ~~18.04.130 Driveways.~~
- ~~18.04.140 Construction of basic plan several times Permit and review.~~
- ~~18.04.150 Construction of basic plan several times One plan check fee.~~
- ~~18.04.160 Historic review definitions.~~
- ~~18.04.165 Historic Landmark & District Designation or Historic Inventory Rating.~~
- ~~18.04.170 Historic exterior alteration permit.~~
- ~~18.04.175 Alteration review.~~
- ~~18.04.180 New construction exterior design permit.~~
- ~~18.04.185 New construction exterior design review.~~
- ~~18.04.190 Demolition and moving permits.~~
- ~~18.04.195 Demolition and moving review.~~
- ~~18.04.200 Appeals and City Council review alteration/construction/demolition.~~
- 18.04.210 Demolition--Permit--Expiration.
- 18.04.220 Demolition--Permit--Suspension or revocation.

- 18.04.230 Demolition--Protection of public utilities.
- 18.04.240 Demolition--Protection for pedestrians.
- 18.04.250 Demolition--Protection of public sidewalks.
- 18.04.260 Demolition--Replacement and repair of streets and sidewalks.
- 18.04.270 Demolition--Notification of utilities.
- 18.04.280 Demolition--Basement or cellar walls.
- 18.04.290 Demolition--Fences.
- 18.04.300 Demolition--Cleanup.
- 18.04.310 Demolition--Sewer laterals.
- 18.04.320 Building Board of Appeals.
- 18.04.330 Unlawful acts.

18.04.010 Adoption of the Oregon Structural Specialty Code, and Fire and Life Safety Regulations. The Oregon Structural Specialty Code & Fire & Life Safety Regulations effective April 1, 1987 January 1, 1993, with its appendices and separate bound standards, except Table No. 3-A, Building Permit Fees, is adopted as part of this code of ordinances. The foregoing is referred to as the "Structural Code" and is composed of the 1985 1991 Edition of the Uniform Building Code with appendices and standards published by the International Conference of Building Officials and modified by the Director of the Oregon Department of Commerce and the State Fire Marshal. Administrator of the Oregon Building Codes Agency.

18.04.050 Special permit fees. In addition to the fees specified in Section 303(a) and (b) of the Uniform Building Code, the following fees shall be paid for each permit listed:

- (1) Moving of buildings or structures: \$50.00 [] each
- (2) Demolition of building or structure: 5.00 [] each

except that a fee shall not be required for small, detached accessory buildings of six hundred square feet in area or less

- (3) ~~Housing code inspection and~~ Issuance of a certificate of occupancy at request of the owner: 35.00 [] each

18.04.060 Adoption of the Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Regulations. The Oregon Mechanical Specialty Code & Mechanical Fire & Life Safety Regulations effective April 1, 1987 January 1, 1993, with its appendices and separately bound standards, except Table No. 3-A, Mechanical Permit Fees, is adopted as part of this code of ordinances. The foregoing is referred to as the "Mechanical Code" and is composed of the 1985 1991 Edition of the Uniform Mechanical Code with appendices and standards published by the International Conference of Building Officials and modified by the Director of the Oregon Department of Commerce and the State Fire Marshal. Administrator of the Oregon Building Codes Agency.

18.04.070 Adoption of the One and Two Family Dwelling Specialty Code. The Oregon One and Two Family Development Code effective April 1, 1990. The foregoing is referenced to as the "Dwelling Code" and is composed of the 1989 Edition of the CABO One and Two Family Dwelling Code and published by the Council of American Building Officials and modified by the Administrator of the Oregon Building Codes Agency.

18.04.080 Inspections. The building official or his/her assistants may require a minimum of eight hours' notice, excluding Saturdays, Sundays and holidays, after notification that a permittee is ready for any inspection required by the building official to insure compliance with this chapter.

18.04.100 Construction in floodplains. Buildings or structures are not permitted in an area designated on the Federal Insurance Administration Flood Hazard Boundary as subject to flood hazard by reason of inundation, overflow, or erosion. This prohibition shall not apply when provision is made to eliminate such hazard to the satisfaction of the City Engineer by providing adequate drainage facilities by protective walls, by suitable fill, by raising the floor levels of the building, by a combination of these methods, or by any other approved means.

18.04.120 Sidewalks. Sidewalks shall be constructed in the public right-of-way providing access to all

buildings with the construction of such walks conforming to the Standard Specifications of the city.

~~Exception. Buildings constructed for industrial use on a site adjacent to an industrial service street, as designated in the city's official arterial street plan, are not required to construct a sidewalk along such street unless the construction of a sidewalk is necessary to provide a continuous pedestrian way connecting existing walks. Dwellings constructed on a building site which has a frontage of two hundred feet or more are not required to construct a sidewalk in the adjacent street right of way unless the construction of such sidewalk is necessary to provide a continuous pedestrian way connecting existing walks.~~

~~18.04.130 Driveways. Paved driveways shall be constructed leading from public streets or accessways to the required off-street parking area. The construction of such paved driveways shall conform to the Standard Specifications of the city for similar construction, and shall include a driveway apron. (Ord. 3825 §.8(b), 1974)~~

~~18.04.140 Construction of basic plan several times Permit and review. In the case where an applicant proposes to construct the same plan several times and where such plan has received the prior approval of the Administrator of the State of Oregon Structural Specialty Code or the city building official, including approval of alternates being offered such as heating alternates, kitchen layouts, appliances and the like, a permit may be issued for each building or structure after the additional review and approval of plot plans including review of zoning, drainage requirements, landscaping and fire regulations. (Ord. 3825 §.9, 1974)~~

~~18.04.150 Construction of basic plan several times One plan check fee. In the case where an applicant proposes to construct the same basic plan under the conditions specified in Section 18.04.140 of this chapter, he shall pay one plan check fee only.~~

~~18.04.160 Historic Review Definitions. For purposes of this chapter only, the following definitions shall apply:~~

~~(1) Alteration: A change, addition, or modification of a building which affects the exterior appearance of the building excluding, however, routine maintenance.~~

~~(2) Building: Any structure used or intended for supporting or sheltering any use or occupancy.~~

~~(3) Building Official: The City Building Official or his/her designee.~~

~~(4) Compatible Structure: A structure so designated on an historic survey as approved by the LAC. (Generally a structure built before World War II which contributes to the historic character of an area.)~~

~~(5) Historic District: An area certified as an historic district by the National Register of Historic Places, National Park Service, United States Department of the Interior. Albany has three such districts listed on the National Register of Historic Places: Monteith, created by Resolution 2120, Haakleman, created by Resolution 2239; and Downtown, created by Resolution 2328.~~

~~(6) LAC: The Landmarks Advisory Commission.~~

~~(7) Landmark: Any site, object, building, or structure designated by the City Council under AMC 18.04.165.~~

~~(8) Negotiation Period: A time during which the City (acting through staff, LAC, or Council) and the applicant or any interested party are working together to explore alternatives which will enhance the historic value of the structure or neighborhood. During this time, no alteration, construction, moving, or demolition shall be permitted which is subject to the provisions of this chapter.~~

~~(9) Planning Director: The Director of the City of Albany Planning Department or his/her designee.~~

~~(10) Primary Structure: A structure so designated on an historic survey as approved by the LAC. (Generally a structure built between 1850 and 1900 and/or of exceptional architectural quality.)~~

~~(11) Secondary Structure: A structure so designated on an historic survey approved by the LAC. (Generally a structure built between 1900 and 1915, or structures built prior to 1900 but of less architectural or historical significance or a building which has been substantially altered.)~~

~~18.04.165 Historic Landmark & District Designation or Historic Inventory Rerating.~~ The process for designating a landmark, historic district, or rerating of a property previously rated on the City's historic inventory, may be initiated by the City Council, the Historic Landmarks Advisory Commission, or by any interested person who submits an application for designation or rerating to the Planning Director. At the time of application the Planning Director shall provide the property owner and applicant with information regarding the benefits and obligations of designation.

The following information shall be required in an application:

- ~~(1) The applicant's name and address.~~
- ~~(2) The owner's name and address, if different from the applicant.~~
- ~~(3) A written description of the boundaries of the proposed district or the location of the proposed landmark or property to be rerated.~~
- ~~(4) A map illustrating the boundaries of the proposed district or the location of the proposed landmark or the property to be rerated.~~
- ~~(5) A statement explaining the following:
 - ~~(A) The reason(s) why the proposed district, landmark or property should be designated or rerated.~~
 - ~~(B) The reason(s) why the proposed boundaries of the proposed district are appropriate for designation.~~
 - ~~(C) The potential impact, if any, that designation of the proposed district, landmark or inventory rerating would have on the residents or other property owners in the area.~~~~
- ~~(6) Any other information deemed necessary by the Planning Director.~~

~~Within 21 days of receipt of a complete application, the LAC shall meet and follow a Type II procedure as set forth in Section 2.040 of the Development Code, except that the LAC shall replace the Hearings Board or Planning Commission as the reviewing body when called for by the Development Code. The LAC shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. The LAC shall forward a summary of its action to the City Council.~~

The LAC shall consider the following criteria in determining whether to approve a proposed landmark or district:

- ~~(1) Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation.~~
- ~~(2) Association with an event that has made a significant contribution to the city, county, state, or nation.~~
- ~~(3) Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation.~~
- ~~(4) Significance as an example of a particular architectural style, building type and/or convention.~~
- ~~(5) Significance due to quality of composition, detailing and/or craftsmanship.~~
- ~~(6) Significance as an example of a particular material and/or method of construction.~~
- ~~(7) Significance because the resource retains its original design features, materials and/or character.~~
- ~~(8) Significance as the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction.~~
- ~~(9) Significance as a visual landmark.~~
- ~~(10) Significance because existing land use surrounding the resource contributes to the integrity of the historic period represented.~~
- ~~(11) Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community.~~
- ~~(12) Significance because the property is 50 years old or older in conjunction with other criteria listed above.~~
- ~~(13) The resource is listed on the National Register of Historic Places.~~

The LAC shall consider the following criteria in determining whether to approve a rerating:

- ~~(1) The inventory was in error.~~
- ~~(2) Additional research has uncovered an association with a person, group, organization, institution or events that have made a significant contribution to the city, county, state or nation.~~
- ~~(3) Alterations to the structure have caused it to more closely approximate the historical character, appearance, or material composition of the original structure.~~
- ~~(4) Alterations to the structure have removed distinguishing features or otherwise altered the exterior such that the existing rating is no longer justified.~~

Within 30 days after receipt of a LAC decision regarding a request for landmark or district designation,

the City Council may hold a public hearing and shall:

(1) Designate the proposed landmark or district by a duly enacted order.

(2) Disapprove of designating the proposed landmark, historic district, or rerating of a property previously rated on the City's historic inventory, or

(3) Remand the matter to the LAC for consideration of additional specified information.

The process for removing a landmark or historic designation may be initiated by the City Council, the LAC or by any interested person who submits to the Planning Director an application for removal of the designation. The City Council may amend or rescind its designation by following procedures required by this chapter for designating a landmark including the adoption of appropriate findings.

18.04.170 Historic Exterior Alteration Permit. (1) No person, corporation, or other entity shall alter the exterior of, nor add on to, an historic structure or landmark listed as primary or secondary within the City limits or a compatible structure within an Historic District, without first obtaining a permit as provided for in this chapter.

(2) In obtaining an alteration permit as required above, the applicant shall file with the Planning Department an application on the form furnished for that purpose. Every application shall include the following information:

(A) A description of the property by address, tax lot, assessor's map number, and any additional information that will help identify and locate the proposed work.

(B) A description of the previous and existing use of the structure and the intended future use.

(C) Information which clearly shows the intended alteration and resulting appearance change of the structure.

(D) Other information as may be required by the Planning Director to determine the extent and design of the proposed alteration.

18.04.175 Alteration Review. (1) The Planning Director shall approve residential alteration requests if (A) there is no change in historic character, appearance or material composition from the existing structure; or (B) if the proposed alteration materially duplicates the affected exterior building features as determined from a pre-1920 photograph, original building plans, or other evidence of original building features. In addition, the Planning Director shall approve alterations to all compatible structures (including compatible commercial structures) when the proposed alteration causes the structure to more closely resemble its original appearance.

(2) For all other requests, a Type II procedure is required as set forth in Section 2.040 of the Development Code, except that the LAC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The LAC shall meet within 21 days of a request for a meeting or a public hearing and, unless extended by mutual consent of the applicant and the LAC, shall complete any review within 45 days of the date the City received a complete application. The LAC shall also be considered an affected party and shall receive notification as part of the Type II procedure. Failure of the LAC to meet the time lines set forth above shall cause the request to be referred to the Council for review.

(3) Under the Type II procedure, the Planning Director or LAC can request additional information (plans, specifications, sketches, etc.) to better determine how the proposed alteration relates to the existing structure. In reviewing the request, the Planning Director or LAC shall apply all of the following:

(A) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(B) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(C) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(D) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(E) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(F) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, and texture, and other visual qualities. Repair or replacement of missing architectural features should

be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(G) ~~The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.~~

(H) ~~Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.~~

(I) ~~Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.~~

(J) ~~Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.~~

(4) ~~In approving an alteration request, the Planning Director or LAC may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building, or site. All decisions to approve, approve with conditions or deny shall specify the basis for the decision. Decisions regarding compatible structures which are not acceptable to the applicant shall not be considered final decisions but instead, will automatically be referred to the LAC (if made by the Director) or City Council (if made by the LAC). All other decisions are final but may be appealed to the next higher reviewing body as specified in Section 18.04.200.~~

~~18.04.180 New Construction Exterior Design Permit. (1) No person, corporation, or other entity shall build, or cause to be built, any structure over 100 square feet within an historic district without first obtaining a Site Plan Review permit and a compatible design permit as provided for in this chapter.~~

(2) ~~In obtaining a compatible design permit as required above, the applicant shall file an application on the form furnished for that purpose. Every application shall include the following information:~~

(A) ~~A description of the property by address, tax lot, assessor's map number, and any additional information that will help identify and locate the proposed work.~~

(B) ~~A site plan showing the location of the structure on the site, setback dimensions, the location of driveways and landscape areas, and the general location of structures on adjacent lots.~~

(C) ~~Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure.~~

(D) ~~Other information as may be required by the Building Official to determine the extent and design of the proposed structure.~~

~~18.04.185 New Construction Exterior Design Review. (1) The Planning Director shall approve the request if the structure is less than 200 square feet. For all other requests, a Type II procedure is required as set forth in Section 2.040 of the Development Code, except that the LAC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The LAC shall meet within 21 days of a request for a meeting or public hearing and, unless extended by mutual consent of the applicant and the LAC, complete any review within 45 days of the date the City received a complete application. The LAC shall also be considered an affected party and shall receive notification as part of the Type II procedure. Failure of the LAC to meet the time lines set forth above shall cause the request to be referred to the Council for review.~~

(2) ~~Under the Type II procedure, the Planning Director or LAC can request additional information (plans, specifications, sketches, etc.) to better determine how the proposed structure fits with the surrounding area. In reviewing the request, the Planning Director or LAC shall apply all of the criteria below pertaining to the particular historic district.~~

(3) ~~Within the Monteith and Haekleman districts:~~

(A) ~~The development maintains any unifying development patterns such as sidewalk and street tree location, setbacks, building coverage, and orientation to the street.~~

(B) ~~The structure is of similar size and scale of surrounding buildings, and as much as possible reflects the craftsmanship of those buildings.~~

(C) ~~Building materials and colors are reflective of and complementary to existing buildings within the district.~~

(4) ~~Within the Downtown district:~~

(A) ~~Maintain the horizontal elements of adjacent buildings. (These horizontal elements can include an alignment of window frames, roof lines, facades and clear distinction between first floors and upper floors.)~~

~~(B) Maintain other historic patterns, such as the horizontal/vertical pattern of upper story windows and the pattern of entrances along the street.~~

~~(C) Building materials and colors are reflective of and complementary to existing historic buildings within the district.~~

~~(D) Lot coverage, setbacks, and building orientation to the street are consistent with the surrounding development patterns.~~

~~(E) The development maintains the pedestrian scale and orientation of the downtown district.~~

~~(5) In approving a new construction request, the Planning Director or LAC may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building, or site. All decisions to approve, approve with conditions, or deny shall specify the basis for the decision. Decisions which are not acceptable to the applicant shall not be considered final decisions but instead, will automatically be referred to the LAC (if made by the Director) or City Council (if made by the LAC).~~

~~18.04.190 Demolition and Moving Permits. (1) No person, firm, or corporation shall move, demolish, or cause to be demolished, any building or structure in the City without first obtaining a Moving or Demolition Permit from the Building Official for each such building or structure.~~

~~(2) To obtain a moving or Demolition Permit as required above, the applicant shall provide information on the location, type, and size of structure, and the location of surrounding structures. The Building Official can request additional information to better determine if the request meets the applicable conditions for approval.~~

~~18.04.195 Demolition and Moving Review. (1) The Building Official shall issue a permit for moving or demolition if any of the following conditions exist:~~

~~(A) The building or landmark is not designated as compatible within an historic district, or designated as primary or secondary within the city limits.~~

~~(B) The structure is detached from any other structure and less than 750 square feet in area.~~

~~(C) The structure has been damaged in excess of 70% of its previous value in a fire, flood, wind, or other Act of God, or vandalism.~~

~~(2) All other permits shall be filed with the Planning Department and shall contain the following information:~~

~~(A) A description of the property by address, tax lot, and assessor's map number, and any additional information that will help identify and locate the proposed work.~~

~~(B) A description of the previous and existing uses of the structure and the intended future use of the property.~~

~~(C) A drawing showing the location of the building on the property and any other buildings which will remain.~~

~~(D) The overall height of the building and the general type of construction.~~

~~(E) Other information as may reasonably be required by the Building Official to determine the scope and requirements of the proposed activity.~~

~~(3) These Demolition/Moving permits not meeting Building Official criteria shall be processed under a Type II process as set forth in Section 2.040 of the Development Code except that the LAC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The LAC shall also be considered an affected party and shall receive notification as part of the Type II procedure. The Director, at his/her discretion, may initiate a public hearing before the LAC concerning the proposed demolition or move.~~

~~(4) The Planning Director or LAC can request additional information from the applicant or other relevant parties to better determine the immediate need for the demolition/moving. In reviewing the request, the Planning Director or LAC shall apply all of the following criteria:~~

~~(A) The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.~~

~~(B) There is a demonstrated public need for the new use which outweighs the public benefit which might be served by preserving the subject buildings on the site due to the building's contribution to the overall integrity and viability of the historic district.~~

~~(C) The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.~~

~~(D) If the building is proposed to be moved, the new site and surrounding area will benefit from the move.~~

~~(5) If it is determined that the above criteria have not been met, the Director shall refer the request to the~~

~~LAC if he/she has not already done so. The LAC shall meet within 21 days of a request for a meeting or public hearing and, unless extended by mutual consent of the applicant and the LAC, shall complete any review within 45 days of the date the City received a complete application. For primary and secondary rated structures and designated landmarks, the LAC may extend the negotiation period to not more than 60 days from the date of the first public hearing attended by the applicant or representative, not to exceed 75 days from the date the City received a complete application. Failure of the LAC to meet the time lines set forth above shall cause the request to be referred to the Council for Review. Reasons for continuing the negotiation period beyond 45 days from the date a complete application is received shall be in writing and include both the reasons for the continuation and the additional information or activity to be completed by the applicant during the additional negotiation period. Within the first negotiation period, the LAC may request that the City Council further extend the negotiation period. All actions of the Director or LAC can be appealed to the LAC (if made by the Director) or the City Council (if made by the LAC) as specified in Section 18.04.200.~~

~~18.04.200 Appeals and City Council Review Alteration/Construction/Demolition-~~

~~(1) Any decision by the Director or LAC may be appealed to the LAC (if made by the Director) or the City Council (if made by the LAC) by filing a written notice of appeal within ten (10) days from the date of the decision. Such appeal notice shall state specifically the reasons why the appellant believes the prior decision was incorrect or not otherwise in the public interest.~~

~~(2) After giving notice to the affected parties in the same manner as in the prior review and after holding a public hearing, the LAC or City Council may affirm, reverse, or modify the prior decision upon adoption of relevant findings which address the applicable criteria.~~

~~(3) Upon appeal or referral, the City Council may extend the negotiation period for demolition/moving requests a maximum of an additional 275 days but not more than 365 days from the date of receipt of a complete application upon a finding that one of the following conditions exists:~~

~~(A) The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.~~

~~(B) There has been little or no activity within a reasonable amount of time by the permit applicant to explore other viable alternatives.~~

~~(C) There is a 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 the program or project may be successful.~~

~~(4) If, at the end of 365 days, any program or project is unsuccessful and the applicant has not withdrawn his/her application for moving or Demolition Permit, the Building Official shall issue the Permit if the applicant otherwise complies with the Code and ordinances of the City.~~

18.04.270 Demolition--Notification of utilities. (a) All utility companies, such as telephone, power, gas, T.V., shall be notified to disconnect all of such services from the main lines to the building.

(b) A written statement from the city fire marshal and the gas utility stating that the gas lines are approved for removal shall be filed with the demolition permit application.

18.08.010 Adoption of the Oregon Electrical Specialty Code. The Oregon Electrical Specialty Safety Code effective October 1, 1981, January 1, 1992 is adopted as part of this code of ordinances. The foregoing is referred to as the "Electrical Code" and is composed of the 1981 1991 Edition of the National Electrical Code published by the National Fire Protection Association and modified by the Director of the Oregon Department of Commerce, Administrator of the Oregon Building Codes Agency.

18.12.010 Plumbing Code--Adoption of State Code. The Oregon State Plumbing Specialty Code effective ~~April 1, 1987,~~ **January 1, 1992** with its administrative rules, appendices, and separately bound standards is adopted as part of this code of ordinances. The foregoing is referred to as the "Plumbing Code" and is composed of the ~~1985~~ **1991** Edition of the Uniform Plumbing Code with appendices and standards published by the International Association of Plumbing and Mechanical Officials and modified by the ~~Director of the Oregon Department of Commerce.~~ **Administrator of the Oregon Building Codes Agency.**

18.16.010 Adoption of Code. That certain publication marked and designated as the Uniform Code for the Abatement of Dangerous Buildings ~~1985~~ **1991** is adopted by reference and incorporated into and made a part of this code of the city.

18.18.030 Permit--Fee. The fee to be paid by an applicant for a permit required by this chapter shall be the sum of ~~fifty dollars~~ [] per day for each day that the movement of the building is in a public thoroughfare.

18.18.100 Equipment. Equipment used to move buildings along or across the public thoroughfares of the city shall be equipped with laminated wood wheels or rubber-tired wheels, which shall be the only part of the equipment to come in contact with the surfaces of the thoroughfare, except such planking as may be required by the building inspector. The building inspector may require the permittee to proceed upon planking, of whatever dimensions the building inspector specifies, at whatever place he/she deems the planking necessary, to prevent damage to a public thoroughfare or other property damage.

18.18.110 Continuity. Once the building has been moved into a public thoroughfare pursuant to a permit authorized by this chapter, the party moving the building shall continue with the moving project without interruption until he/she has completed the moving, except as the permit for the moving or the building inspector specifically allows to the contrary.

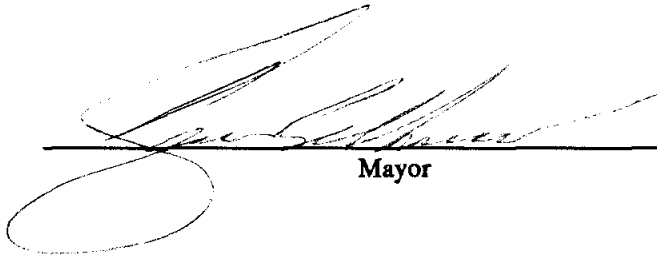
Section 2: Emergency Clause

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: January 27, 1993

Approved by Mayor: January 27, 1993

Effective Date: January 27, 1993



Mayor

ATTEST:

Norm C. Withrow
Deputy City Recorder