

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

(Reserved)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.**
- 1.04.020 Interpretation of language.**
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1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the City, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the City of Wood Village, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Council” means the City Council of the City of Wood Village. “All its members” or “all Council members” means the total number of Council members holding office.

“County” means the County of Multnomah.

“Law” denotes applicable federal law, the Constitution and statutes of the state Oregon, the ordinances of the City, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” means and includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Owner” applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” means and includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” means next before and next after, respectively.

“Property” means and includes real and personal property.

“Real property” means and includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

“State” means the state of Oregon.

“Street” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated

and open to public use, or such other public property so designated in any law of this state.

“Tenant” and “occupant” applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

“Year” means a calendar year. (Ord. 3-1996 § 1)

1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the English language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 3-1996 § 2)

1.04.030 Grammatical interpretation

The following grammatical rules shall apply in the ordinances of the City unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 3-1996 § 3)

1.04.040 Acts by agents

When an act is required by an ordinance, the same being such that it may be done as well

by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 3-1996 § 4)

1.04.050 Prohibited acts include causing and permitting

Whenever in the ordinances of the City any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 3-1996 § 5)

1.04.060 Computation of time

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday, in which case it shall also be excluded unless specifically provided otherwise. (Ord. 3-1996 § 6)

1.04.070 Construction

The provisions of the ordinances of the City, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 3-1996 § 7)

1.04.080 Repeal shall not revive any ordinances

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 3-1996 § 8)

Chapter 1.06

CODE ENFORCEMENT

Sections:

- 1.06.010** **Civil Infractions and Civil Violations Defined; Penalty for Violation.**
- 1.06.020** **Citation for Civil Infractions**
- 1.06.030** **Contents of Civil Infraction Citation**
- 1.06.035** **Procedures for Civil Violations**
- 1.06.040** **Remedies Cumulative**
- 1.06.050** **Interest on Moneys Owed to the City**
- 1.06.060** **Collections**

1.06.010 **Civil Infraction Defined; Penalty for violation.**

A. Failure of any person to comply with the requirements of the Wood Village Municipal Code ("Code"), of any state statute, county or municipal ordinance incorporated by reference in this Code, or of any of the terms and conditions of any permit or approval issued by the City pursuant to this Code, is hereby deemed a civil infraction, or, in the case of such failure to comply with the Building Code, a civil violation, punishable as provided herein. Every day during which such civil infraction or civil violation is committed, continued or permitted to continue, shall be a separate offense. Any such civil infraction or civil violation includes causing, allowing, permitting, aiding, abetting, or concealing such offense.

B. A civil infraction is declared to be an offense, but not a crime, and is enforced pursuant to Sections 1.06.020 and 1.06.030. It is intended to be an offense which can be disposed of in all respects as a civil proceeding

and not governed by procedural, evidentiary, substantive and constitutional rules applicable to criminal charges and proceedings. A person adjudged responsible for an infraction shall not be deemed "guilty" of the infraction and a judgment of responsibility shall not be deemed a "conviction" for any purpose.

C. A civil violation is not a crime or an offense, but is an administrative penalty imposed pursuant to Section 1.06.035.

D. Maximum penalties for civil infractions or civil violations shall be as follows:

1. A civil penalty of not more than \$1000.00 per offense, or such lesser sum as may be provided in the ordinance defining the offense.

2. Notwithstanding subsection (D)(1) of this section or any other provision in this Code to the contrary, no greater penalty shall be imposed for any civil infraction or civil violation under this Code than the maximum penalty prescribed under Oregon Statute for the same offense.

E. In establishing the amount of any civil penalty under subsection (D) of this section, a court, or, in the case of a civil violation, the Building Official or City Administrator, should consider any of the following factors deemed relevant:

1. The actions taken by the person or entity to mitigate or correct the violation;

2. The financial condition of the person or entity charged with the violation;

3. Whether the violation or the failure to comply is repeated or continuous in nature;

4. The magnitude or gravity of the violation or failure to comply;

5. The cooperativeness of the person or entity with the city;

6. The cost to the city of investigating, correcting, attempting to correct and/or prosecuting the violation or failure; and

7. Any other factor deemed by the court, the Building Official, or the City Administrator to be relevant.

F. For the purpose of facilitating disposition of infractions, the court may promulgate a schedule of forfeitures for particular infractions, and the person charged with such an infraction may deposit with the court the amount so scheduled, waive further appearance, and have the sum so deposited forfeited as a plea of “no contest.” The court shall not, however, be bound by the schedule on appearance and admission by the person charged, or on trial and judgment against the person charged; the court in such a case may impose any forfeiture allowed by this section.

1.06.020 Citation for civil infractions.

Upon a determination by a duly authorized officer that one or more civil infractions have occurred, the officer shall issue a citation to the person, who in the officer’s opinion, is responsible for the activity or failure to act that is deemed to be the civil infraction(s) or the owner or person responsible for the property where the infraction occurred.

1.06.030 Contents of the civil infraction citation.

A. The citation for a civil infraction shall include at least the following information:

1. The name and address of the respondent;
2. The time, date and place the civil infraction was alleged to have occurred;
3. A statement of the civil infraction(s) alleged to have occurred with a reference to the pertinent Municipal Code Section(s) or other commonly understood

reference to the law or ordinance alleged to have been violated.

4. A certification that the officer issuing the citation has reasonable grounds to believe, and does believe, that the respondent committed the civil infraction, contrary to law. This certificate shall be deemed equivalent to a sworn complaint.

B. A uniform traffic citation and complaint and provided in state law shall be an acceptable form for a civil infraction citation.

1.06.035 Procedures for Civil Violations

A. Notice of Violation. Upon a determination by the Building Official that a person has committed a civil violation of the Building Code as defined in Section 1.06.010(A), the building official may issue a notice of civil violation and impose upon the violator or other responsible person an administrative civil penalty as described in Section 1.06.010(D) and (E). For the purposes of this section, a “responsible person” includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well. If no appeal is filed as provided in this section, the civil penalty shall become final upon expiration of the appeal period.

B. Contents of Notice. The notice shall:

1. Describe the alleged violation, including any relevant code or ordinance provisions violated.
2. States that City intends to impose a civil penalty and state the amount of the penalty.
3. State that the responsible person or persons may appeal the civil penalty to the City Administrator.

4. Describe the process and requirements for filing an appeal and the deadline by which the appeal must be filed.

C. Service of Notice. The notice shall be served by personal service or by registered or certified mail, and by regular mail.

D. Filing an Appeal. Any person subject to a notice of violation under this section may file an appeal of the notice of violation within fifteen days of the date of mailing of the notice. The City shall not consider appeals filed after this deadline. The notice of appeal shall be in writing and shall include:

1. The name, address and telephone number of the appellant.
2. The nature of the determination being appealed.
3. The reason the appellant believes the determination is incorrect.
4. The relief requested by the appellant.
5. Payment of the appeal fee set by resolution of the City Council.

A notice of appeal that does not comply with the above requirements may be rejected by the City Administrator.

E. Appeal Hearing. The City Administrator shall schedule a hearing within 30 days of the date of receipt of the notice of appeal. The city shall mail notice of the time and location of the hearing to the appellant at least ten days prior to the date of the hearing. The City Council may appoint a designee to hear the appeal, except that the designee may not be the Building Official or any person supervised by the Building Official. The City Council or designee shall hear and decide the appeal based upon appellant's written notice of appeal and additional evidence that the City Council or designee deems relevant. At the hearing, the appellant may present testimony

and oral argument personally or by counsel. The burden of proof shall be on the Building Official. The hearing will begin with a staff report from Building Official, followed by the appellant's presentation, followed by response from the Building Official, if any, followed by any rebuttal by the appellant, if any.

F. Decision on Appeal. The City Council or designee shall issue a written decision within ten days of the date of the hearing and shall mail a copy of the decision to the appellant. The written decision of the City Council or designee is final as of the date of issuance.

G. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of the notice of suspension.

H. Failure to pay a penalty imposed hereunder within ten days of the date the penalty becomes final as provided in Sections 1.06.035(A) or (F) of this section, which ever is applicable, shall constitute a civil violation of this Code as provided in Section 1.06.010(A). Unpaid penalties shall accrue interest from the date due as provided in Section 1.06.050 and may be collected pursuant to 1.06.060. In addition to any other enforcement mechanisms provided in this Code, failure to pay an administrative civil penalty when due shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

1.06.040 Remedies Cumulative.

The remedies provided in this Chapter are supplementary and in addition to any other penalty or remedy provided for or available to the City in this Code, the City Charter, state statute or other law or ordinance.

1.06.050 Interest on monies owed city.

Unless specifically agreed to otherwise via a duly approved contract or agreement between the city and some third party or unless otherwise specifically set out in another provision of this Code, any and all amount(s) due and owing the City of Wood Village from and after the effective date of this provision, shall accrue interest at the legal rate as the same is set forth in ORS Chapter 82 from the time it becomes due until fully paid.

1.06.060 Collections

Any unpaid fees, late payment charges, abatement charges, or fines assessed against a person arising from noncompliance with the Wood Village Municipal Code with regard to the person's real property constitute a debt to the City. The debt shall be entered in the City lien docket and shall be a lien on the subject property from the date of entry and shall be recorded with Multnomah County. The interest provided in Section 1.06.050 shall commence running on the date of the entry of the lien in the City lien docket. The lien may be foreclosed in the manner provided by ORS 223.505 to 223.650 or as otherwise provided by law. The City may collect an administrative fee for the release of any lien issued by the City that shall be set and adjusted by City Council resolution. (Ord-9-2009)

Chapter 1.08

INITIATIVE AND REFERENDUM

Sections:

- 1.08.010** **Petition requirements.**
- 1.08.020** **Submission of prospective petition—Form of petition—Statement regarding paid petition circulators, other requirements.**
- 1.08.030** **Ballot title preparation.**
- 1.08.040** **Council preparation of ballot titles.**
- 1.08.050** **Ballot title appeals.**
- 1.08.060** **Signature requirements.**
- 1.08.070** **Filing officer—Filing requirements.**
- 1.08.080** **Council action.**
- 1.08.090** **Retention of petition materials.**
- 1.08.100** **Date of election.**
- 1.08.110** **Election notice.**
- 1.08.120** **Information to county.**
- 1.08.130** **Election returns.**
- 1.08.140** **Effective date of measures.**
- 1.08.150** **Conflicting measures.**
- 1.08.160** **Unlawful acts.**
- 1.08.170** **Applicability of state statutes.**
- 1.08.180** **Penalties.**

1.08.010 **Petition requirements**

All election petitions concerning exercise of the initiative and referendum powers reserved to the qualified voters of the city shall conform substantially with the requirements of the Secretary of State for initiative and referendum petitions. (Ord. 9-1993 § 1)

1.08.020 **Submission of prospective petition—Form of petition—Statement regarding paid petition circulators, other requirements**

A. Before circulating a petition to initiate or refer a measure, the petitioner shall file the prospective petition with the City Elections Officer. A prospective petition for a referendum shall be filed with the City Elections Officer prior to the effective date of the matter being referred. The City Elections Officer shall immediately date and time stamp the prospective petition and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

B. A petition for an initiative measure submitted to the City Elections Officer shall meet the requirements of Section 1(2)(d), Article IV of the Oregon Constitution and shall embrace one subject only and matters properly connected therewith.

C. A petition shall designate the name and residence address of not more than three persons as chief petitioners. Chief petitioners shall be registered voters within the City. The cover of a referendum petition shall contain the title of the measure enacted by the City Council or as set forth in Section 1.08.030, if applicable. The cover of an initiative petition shall contain the ballot title described in Section 1.08.030. (Ord. 5-2005)

D. The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the City Elections Officer not later than

the tenth day after any of the chief petitioners first have or should have knowledge that:

1. Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no person would be paid.

2. No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more persons would be paid.

E. Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the City Council. Each sheet of signatures shall be attached to a full and correct copy of the measure to be initiated or referred.

F. The reverse side of the cover of an initiative or referendum petition and both sides of a signature sheet may be used for obtaining signatures on an initiative or referendum petition. If both sides of a signature sheet are used, each side shall contain the information required on a signature sheet under subsection E of this section.

G. Not more than twenty (20) signatures on the cover or on each side of each sheet of the petition shall be counted. The cover of the petition, if the cover is used to gather signatures, and each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed in the presence of the circulator and that the circulator believes each individual is an elector registered in the city. (Ord. 9-1993 § 2)

1.08.030 Ballot title preparation

A. When a prospective petition for a measure to be referred is filed with the City

Elections Officer, that official shall authorize the circulation of the petition containing the title of the measure as enacted by the Council, or, if there is no title, the title supplied by the petitioner filing the prospective petition. The City Elections Officer shall immediately send two copies of the prospective petition to the City Attorney.

B. When a prospective petition for a city measure to be initiated is filed with the City Elections Officer, that official immediately shall send two copies to the City Attorney if the measure has been determined to be in compliance with Section 1(2)(d), Article IV of the Oregon Constitution as provided in Section 1.08.020B.

C. Not later than the fifth business day after receiving the copies of the prospective petition, the City Attorney shall provide a ballot title for the City measure to be initiated or referred, and return one copy of the prospective petition and the ballot title to the City Elections Officer. Unless the Council certifies a different title, this ballot title shall be the title printed on the ballot.

D. In preparing such ballot title said attorney shall to the best of his or her ability give a true and impartial statement of the purpose of the measure in such language that the ballot title shall be clear and objective and not be an argument for, or liable to create prejudice against such measure.

E. A copy of the ballot title shall be furnished to the chief petitioners.

F. After receiving a ballot title for a city measure from the City Attorney or Council, the elections officer shall publish in the next available edition of a newspaper of general distribution in the city a notice of receipt of ballot title, including notice that an elector may

file a petition for review of the ballot title not later than the seventh business day after the title is filed with the City Elections Officer. (Ord. 9-1993 § 3)

1.08.040 Council preparation of ballot titles

A. When the Council refers a measure to the people, a ballot title for the measure may be prepared by the Council. The ballot title shall be filed with the City Elections Officer.

B. If the title is not prepared under subsection A of this section, when the measure is filed with the City Elections Officer, the officer shall send two copies to the City Attorney. Not later than the fifth business day after receiving the copies, the City Attorney shall provide a ballot title for the measure and send a copy of it to the Council and the City Elections Officer. (Ord. 9-1993 § 4)

1.08.050 Ballot title appeals.

A. Any elector dissatisfied with a ballot title filed with the City Elections Officer by the City Attorney or Council may petition the City Council seeking a different title and stating the reasons the title filed is insufficient, not concise, or unfair. The petition shall be filed not later than the seventh business day after the title is filed with the City Elections Officer. The Council shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the elections officer a title for the measure that meets the requirements of applicable state law.

B. The review by the City Council shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors. (Ord. 9-1993 § 5)

1.08.060 Signature requirements

A. A petition to refer a city measure must be signed by not less than ten percent of the electors registered in the city at the time the prospective petition is filed. The petition must be filed with the City Elections Officer not later than the thirtieth day after adoption of the city legislation sought to be referred.

B. A petition to initiate a city measure must be signed by not less than fifteen (15) percent of the electors registered in the city at the time the prospective petition is filed. (Ord. 9-1993 § 6)

1.08.070 Filing officer—Filing requirements

A. An initiative or referendum petition relating to a city measure shall be filed with the City Elections Officer for signature verification. The filed petition shall contain only original signatures.

B. An initiative or referendum petition relating to a city measure shall not be accepted for filing if it contains less than one hundred (100) percent of the required number of signatures.

C. Within ten business days after a petition is filed with the City Elections Officer under this section, that official shall certify the number and genuineness of the signatures and voting qualifications of the persons signing the petition by reference to the Multnomah County voter registration records. (Ord. 9-1993 § 7)

1.08.080 Council action

A. If an initiative petition contains the required number of verified signatures, the City Elections Officer shall file the initiated measure

with the City Council at its next regular meeting.

B. The Council, not later than the thirtieth day after the measure is filed with it, may adopt or reject the measure unless the measure is required to be submitted to the city electors under the City Charter or state law. If the measure is not adopted, or the measure is required to be submitted to the city electors, it shall be submitted to the city electors at the next regular biennial election unless an earlier election date is approved by the Council, but not sooner than ninety (90) days after the measure was filed with the Council.

C. The Council may refer a competing measure to city electors at the same election at which the initiated measure is submitted. If the Council refers a competing measure to city electors, it must prepare the measure not later than the thirtieth day after the initiated measure is filed with it. (Ord. 9-1993 § 8)

1.08.090 Retention of petition materials

The City Elections Officer shall retain the signature sheets of a filed initiative or referendum petition with a copy of the city measure. If the measure is approved by the electors, a copy of the measure shall be preserved as a permanent public record, and the signature sheets shall be preserved for six years. (Ord. 9-1993 § 9)

1.08.100 Date of election

If a referendum petition contains the required number of verified signatures, the city measure election shall be held at the next regular biennial election, unless an earlier election date is approved by the Council, but not sooner than the ninetieth day after the referendum measure was filed with City Elections Officer. (Ord. 9-1993 § 10)

1.08.110 Election notice

The City Elections Officer shall give notice of all elections in accordance with the requirements of the City Charter and state law. (Ord. 9-1993 § 11)

1.08.120 Information to county

The City Elections Officer shall provide the director of elections, Multnomah County, with a certified copy of the ballot title of each measure or each candidate to be voted upon in accordance with the time requirements of state law. (Ord. 9-1993 § 12)

1.08.130 Election returns

The votes on an initiated or referred measure shall be counted, canvassed and returned by the county elections official as provided by state law. (Ord. 9-1993 § 13)

1.08.140 Effective date of measures

A measure submitted to the electors shall take effect when approved by a majority of the electors voting upon it, unless the measure provides for another effective date. Such measure shall have no effect while it is subject to a referendum. (Ord. 9-1993 § 14)

1.08.150 Conflicting measures

In the event of a conflict between measures approved by the electors at an election, the measure receiving the greater number of affirmative votes shall prevail. (Ord. 9-1993 § 15)

1.08.160 Unlawful acts

A. No person other than a registered elector who is a resident of the city may sign a petition on a city measure.

B. No person may sign a petition with a name not her or his own.

B. No person may knowingly sign the same petition more than once.

C. No person may knowingly circulate or deposit with the City Elections Officer a petition that contains a signature signed in violation of this chapter.

D. No person may procure or attempt to procure a signature on a petition by fraud.

E. No person may knowingly make a false statement concerning a petition.

F. No person may make a document required or provided for by this chapter that contains a false statement.

G. No City officer or employee may willfully violate any provision of this chapter. (Ord. 9-1993 § 16)

1.08.170 Applicability of state statutes

Where not otherwise provided herein or by City Charter or ordinance, city initiative and referendum measures and ballot title requirements therefor shall be governed by applicable state law. (Ord. 9-1993 § 17)

1.08.180 Penalties

A violation of a provision of Section 1.08.160 is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 1; Ord. 9-1993 § 18)

Chapter 1.10

EMERGENCY MANAGEMENT

Sections:

1.10.010.....Purpose

1.10.020.....Emergency

1.10.030.....Declaration of Emergency

1.10.040.....Executive Responsibilities

1.10.050.....Regulation of Persons and Property

1.10.060.....Penalty

1.10.010 Purpose

The purpose of this Chapter is to provide a plan to minimize injury to persons and property and to preserve the established civil authority in the event that a state of emergency exists within the city.

1.10.020 Emergency

A state of emergency may include any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering, or financial loss, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or release of oil or hazardous materials defined in ORS 466.605, contamination utility or transportation emergencies, disease, blight infestation, civil disturbance, unrest, sabotage, and war.

1.10.030 Declaration of Emergency

Whenever a state of emergency exists, the Mayor shall make a declaration to that effect until a special meeting of the City Council can be convened to ratify the declaration. In the event that a quorum of Council members is unable to assemble, the Declaration of Emergency remains in effect. In the event that the Mayor is unable or unavailable, the declaration shall be performed in the following order of succession: (1) Council President and (2) City Administrator.

A. The Declaration of Emergency shall state the nature of the emergency, designate the geographic boundaries of the area which is subject to the emergency controls, and state any special regulations imposed as a result of the state of emergency. The Declaration shall be submitted immediately to the appropriate authorities.

B. The ratification by the City Council of a declaration of emergency, in addition to the statements enumerated in section A, shall state the duration of time during which the area so designated shall remain an emergency area and authorize specific emergency powers for the duration of the emergency period set forth in the declaration. (Ord. 6-2009)

1.10.040 Executive Responsibilities

If the City Administrator, for any reason, is unable or unavailable to perform his or her duties, the duties of the City Administrator shall be performed in the following order of succession: (1) Public Works Director and (2) Finance Director. The powers of the successor to the City Administrator shall be limited in duration to the duration of the Declaration of Emergency or until such time as the City Administrator is able and available to perform such duties, whichever circumstance occurs first.

1.10.050 Regulation of Persons and Property

After a Declaration of Emergency has been made under this Chapter, the City may order any or all of the following measures in the interest of the public health, safety, or welfare in the emergency area designated in the declaration:

A. Redirect City funds available for emergency use and suspend standard City procurement procedures pursuant to ORS 279B.080;

- B. Establish a curfew which fixes the hours during which all persons other than officially authorized personnel may be upon the public streets or other public places;
- C. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place;
- D. Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances;
- E. Evacuate persons;
- F. Prohibit the sale of alcoholic beverages;
- G. Prohibit or restrict the sale of gasoline or other flammable liquids;
- H. Curtail or suspend commercial activity;
- I. Turn off water, gas, or electricity; and
- J. Order any such other measure as may be necessary for the protection of life or property, or for the recovery from the emergency.

1.10.060 Penalty

Any person who violates any provision of this Chapter commits a civil infraction pursuant to Chapter 1.06 and is subject to a fine not to exceed \$1,000. (Ord. 5-2009; Ord. 7-2013)