

MEMORANDUM



TO: City Council
FROM: City Manager's Office
DATE: July 10, 2018
SUBJECT: Committee Review

Ad Hoc Committee on Health

Formed by the Mayor in 2016, this committee is tasked with securing increased health services in our community including: physical therapy, memory care, urgent care and senior living. (Meets 3rd Monday each Month) It is comprised of the Mayor, two council members, City Manager and citizens.

Administrative And Finance Committee (pg. 1)

Reorganized in 2016 by Resolution No. 33 for 2016 this committee is tasked with reviewing all administrative, finance and property issues and is an advisory board to Council. It is comprised of three council members. (Meets as Needed)

All Hazard Mitigation (pg. 2-4)

Formed in 1996 by Resolution No. 40 for 1996 this committee is established as a permanent advisory board for flood mitigation planning. Its members are set forth in the resolution (Meets as Needed)

Area Commission on Transportation (pg. 5-8)

Council Representative serves as a liaison between City Council and the Cascades West Area Commission on Transportation. The CWACT provides a forum for local governments to collaborate on local, regional and State transportation issues in the Linn County Region. The CWACT is chartered by the Oregon Transportation Commission and provides input, advice, and recommendations to the OTC and the Oregon Department of Transportation (ODOT) on State transportation plans and policies. (Meets last Thursday Every Other Month)

Board of Appeals (pg. 9-14)

Formed in 2008 by Ordinance. See SHMC 15.01.090. The Board of Appeals holds a hearing to make decisions on appeals from orders made by the Building Official. It is comprised of three citizens who are qualified in building construction. (Meets as Needed).

Budget Committee (pg. 15-16)

Required by ORS and formed in 1963, the Budget Committee reviews the proposed budget submitted by the City Budget Officer. The committee may approve the proposed budget intact or change part or all of it prior to final approval. (Meets as Needed)

Capitol Christmas Tree Committee

Formed by the Mayor in 2018, a Council representative serves as a liaison between the City Council and all events regarding the 2018 Capitol Christmas Tree. (Meets first and third Tuesdays Monthly)

Chamber of Commerce

Formed in 1987, a Council representative serves as a liaison between the City Council and the Sweet Home Chamber of Commerce to inform the Council on issues of the Chamber of Commerce. (Meets third Thursday Monthly)

Council of Governments

Formed in 1984, a Council representative serves as a liaison between the City Council and the COG to inform the Council on issues of the Council of Governments.

Fire District

Formed in 1995, a Council representative serves as a liaison between the City Council and the Sweet Home Fire and Ambulance District to inform the Council on issues of the SHFAD.

Library Boards (pg. 17-19)

Formed in 1989 by Ordinance. SHMC 2.12. The Library Board is an advisory board and makes recommendations to the City Council about rules and policies for the efficient and effective operation of the library, its services and programs. (Meets first Thursday Monthly)

Local Contract Review Board (pg. 20)

Formed in 1976 by Ordinance. SHMC 2.08. The Local Contract Review Board (City Council) sets City procedures for procurements of goods and services for the City and oversees the Public Improvement Projects of the City.

Park and Tree Committee (pg. 21-24)

Reorganized in 2017 by Ordinance No. 9 for 2017, the Park and Tree Committee is an advisory board to the City Council regarding all matters related to parks, open spaces and street trees. (Meets Third Wednesday Monthly)

Public And Traffic Safety Committee (pg. 21-24)

Reorganized in 2017 by Ordinance No. 9 for 2017, the Public And Traffic Safety Committee is an advisory board to City Council regarding matters of safety. (Meets as Needed)

Planning Commission (pg. 25-28)

Formed in 1975 by Ordinance. SHMC 2.20. The Planning Commission conducts public meetings and public hearings relating to the City's land use ordinances, including zoning and subdivision regulations and performs other duties related to some aspect of planning and development. (Meets first Monday Monthly)

Public Works

Formed in 1984 to inform the Council on issues of the Public Works Department. This committee is comprised of three council members.

Solid Waste Advisory Council (pg. 29 – 42)

A Council Representative serves as a liaison between City Council and the Environmental Health Department. The SWAC provides a forum for local governments to collaborate on local, regional and State solid waste issues in the Linn County Region. (Meets as Needed)

Youth Advisory Council (pg. 43-48)

Formed in 2004 by Resolution No. 2 for 2017. The YAC provides an opportunity for the youth of Sweet Home to acquire a greater knowledge of and appreciation for the political system through active participation in the system. (Meets Twice Monthly)

RESOLUTION NO.33 FOR 2016

A RESOLUTION COMBINING THE ADMINISTRATION AND FINANCE COMMITTEE AND THE PROPERTY COMMITTEE.

WHEREAS, the Sweet Home City Council has an Administration And Finance Committee and a Property Committee made up of three city councilors each to advise the city council on topics, issues, subjects and matters as each committee title reflects by name thereof;

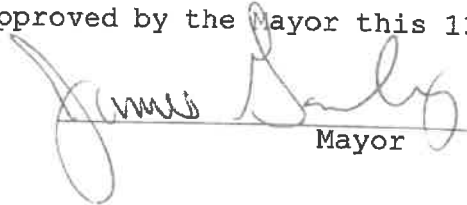
WHEREAS, the Sweet Home City Council desires to combine the Administration And Finance Committee and the Property Committee;

NOW, THEREFORE, THE CITY OF SWEET HOME RESOLVES AS FOLLOWS:

The Administration And Finance Committee and the Property Committee are hereby combined in name and function into one committee known as the Administration And Finance Committee that shall perform the duties of both committees henceforth.

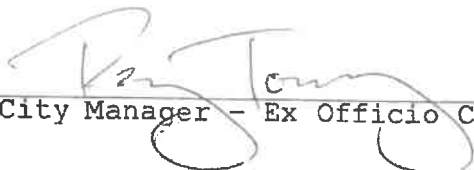
This resolution shall be effective upon the passage thereof.

PASSED by the City Council and approved by the Mayor this 13th day of December, 2016.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

RESOLUTION NO. 40 FOR 1996

A RESOLUTION CONCERNING FLOOD HAZARD MITIGATION PLANNING PROCESS AND CREATING THE ALL HAZARD MITIGATION PLANNING COMMITTEE.

WHEREAS, the City of Sweet Home has been faced with flooding and drainage problems over the years that have flooded buildings, closed streets, damaged culverts, eroded channels, disrupted business and presented a general public health and safety hazard; and

WHEREAS, the City's All Hazard Mitigation Staff Committee has outlined a comprehensive planning process for flood mitigation planning that will meet the requirements of the state and federal agencies;


NOW, THEREFORE, the City of Sweet Home does resolve as follows:

A. The Council supports and encourages the Flood Mitigation Planning Process, which will become a part of the updated All Hazard Mitigation Plan of the City of Sweet Home.

B. The All Hazard Mitigation Planning Committee is hereby established as a permanent advisory body. There will be a member from each of the following City staffs: Police, Fire, Public Works, and Planning. There will be an equal number of citizen members as City staff members who will be designated by the Mayor, subject to the approval of this Council. They shall serve one year terms. The Committee's duties shall be developed as a part of the All Hazard Mitigation Plan.

C. The City Manager is charged with supervising the implementation of the planning process within the funding limitations as provided by the City Council or other sources.

PASSED by the Council and approved by the Mayor this 27th day of August, 1996.



Mayor

ATTEST:



City Manager Pro Tem - Ex Officio City Recorder

3.0 Community Involvement and Public Process

3.1 Community Involvement in Sweet Home's Mitigation Planning

The City of Sweet Home recognizes that community involvement is an essential step in developing a mitigation plan. The City has involved the community throughout the mitigation planning process to help ensure that the final plan reflects the values and needs of residents, as well as building the support base necessary to implement the Plan. Citizen involvement has provided valuable historical knowledge about the community that increases the completeness and accuracy of the Plan. The City of Sweet Home also understands that the area's businesses and service providers also have key information and their involvement in the planning process was also essential.

3.2 Previous Mitigation Activities

Prior to the February flood of 1996, Sweet Home had no organized mitigation activities excepting the FEMA Flood Insurance Rating program which identified the flood plains and flood ways within the City. The FIRM maps were effective as of March 1, 1982 and have been implemented through City code since that time. The City did have an *Emergency Plan* from 1981, but that Plan did not include any mitigation activities.

After the 1996 flood, the City participated in the Cascade West Council of Government's sponsored *Regional All Hazard Mitigation Plan, Phases 1, 2, and 3*. RHAMP - Phase 1 was completed in December of 1998. RHAMP - Phase 2 was completed in May, 2001. And the final Phase, RHAMP - Phase 3 was completed September 2002. The City Council adopted Phases 1 and 2 on January 22, 2002 and Phase 3 on January 28, 2003. These multi-jurisdictional plans covered Linn County and nearby counties.

3.3 All Hazard Mitigation Planning Committee

As a part of the RHAMP - Phase 1 process, the City Council passed a Resolution creating the *All Hazard Mitigation Planning Committee*. The AHMPC creation on August 27, 1996 recognized the importance of flood mitigation planning as a part of a comprehensive *All Hazard Mitigation Plan* for the City. The Council established the Committee as a permanent advisory body. Membership on the Committee includes a staff person from Police, Fire, Public Works, and Planning with an equal number of citizen members. The term for membership is one year, appointed by the Mayor with approval of the Council.

The first AHMPC focused on collecting data from the February 1996 flood. The survey work and compilation of data is discussed in Chapter 6 - Floods. The Committee continued periodic meetings for the first year, and then became inactive.

In April, 2003, the City reappointed the members of the AHMPC. The new members became very active in the preparation of this Plan. The Committee held one to two meetings per month from April to November of 2003. Members of the Committee had specific assignments, from gathering historic data to contacting community members. The background data the Committee collected has been used throughout this planning process, and carries over into the Emergency Operations Plan work that dovetails with this Plan. Hazard and risk information from the Mitigation Plan has been incorporated into hazard specific annexes of the Emergency Operations Plan.

In addition to the normal meetings, the Committee participated in two large community meetings. The first meeting, held in July 2003, included all identified stakeholders and the public. The information gathered at this meeting has also been incorporated in this Plan. The Committee will review the final draft of the Plan, make suggested changes, and make a recommendation to the City Council concerning the adoption of the Plan. The second meeting, held in February 2004, included presentation of the draft final plan for review and comment.

3.4 Planning Process

To ensure that the Sweet Home Multi-Hazard Mitigation Plan has been prepared and reviewed by the key stakeholders within the community, the following process has been utilized.

1. The appointment of the new members of the All Hazard Mitigation Committee.
 - a. Recruitment of new members was done using ads in the local paper and personal contacts.
 - b. The AHMPC citizen appointed in 2003 included a retired person, an attorney, and the manager of the local solid waste company.
 - c. The AHMPC staff members included the District Fire Chief, Police Chief, Public Works Director, Library Director, Finance Director, Community Development Director, and the City Manager.
 - d. The AHMPC participated in the development of the final work plan for the consultant on the project. This participation provided critical community input in the early stages of the planning process that allowed for the incorporation of citizen issues in the Plan.
 - e. The AHMPC gathered historical data both through literature review and conducting interviews with area residents.
 - f. The AHMPC met with the consultant on several occasions to provide local input and insight into the drafts as they were being developed.
2. Participants in all meetings of the AHMCP were notified both by email and by regular mail notifications.
3. Materials to be reviewed in upcoming meetings were sent out in advanced for members to become acquainted with prior to meetings.
4. The local newspaper, The New Era, covered stories on the hazard mitigation planning effort.



Cascades West Area Commission on Transportation

The **Cascades West Area Commission on Transportation (CWACT)** provides a forum for local governments to collaborate on local, regional, and State transportation issues in the Benton, Lincoln, and Linn County Region. The CWACT is chartered by the Oregon Transportation Commission (OTC) and provides input, advice, and recommendations to the OTC and the Oregon Department of Transportation (ODOT) on State transportation plans and policies.

The CWACT typically meets from 5:00 pm to 7:00 pm on the last Thursday of every other month at OCWCOG's building: 1400 Queen Avenue SE, Albany, OR 97322. Meeting agenda packets are available below approximately one week in advance of each meeting.

Among other work items, the CWACT solicits public input on transportation needs and provides recommendations to ODOT and the OTC on project priorities for the *Statewide Transportation Improvement Program (STIP)*.

CWACT Membership: Each of the following entities nominates one representative and one alternate as voting members of the CWACT. Representatives must be elected officials; alternates need not be elected officials. Membership is confirmed annually by the OCWCOG Board of Directors.

- All incorporated Cities in the Cascades West Region
- Benton, Lincoln, and Linn Counties

- All port districts in the Cascades West Region
- All recognized Indian tribes in the Cascades West Region

The Board of Commissioners from each County nominates two private sector members representing business and other transportation interest to be voting members of the CWACT.

The 2018 CWACT Chair is Linn County Commissioner Roger Nyquist. The membership list is available HERE (<http://www.ocwcog.org/wp-content/uploads/2018/06/2018-2019-NEW-Membership-Workbook.pdf>).

Full Commission Meeting Agendas and Minutes

✂ May 24, 2018

- Meeting Agenda Packet (<http://www.ocwcog.org/wp-content/uploads/2018/05/18-05-24-CWACT-FC-Agenda-Packet.pdf>).
- Attachment C1 – Pedal Corvallis Infographic (<http://www.ocwcog.org/wp-content/uploads/2018/05/Attachment-C1-Pedal-Corvallis-Infographic.pdf>).

+ March 22, 2018

+ Archives, 2017-2015

OCWCOG Resources

- 2017-2018 CWACT Membership (pdf) (<http://www.ocwcog.org/wp-content/uploads/2017/03/2017-2018-NEW-Membership-Workbook-1.pdf>).
- CWACT Executive Committee (</transportation/cwact/cwact-executive-committee/>).
- CWACT Technical Committee (</transportation/cwact/cwact-technical-committee/>).
- OTC Policy on Formation and Operation of ACT (pdf) (<http://www.oregon.gov/ODOT/COMM/docs/acts/actpolicy0603.pdf>).

- [CWACT Bylaws \(pdf\) \(http://www.ocwcog.org/wp-content/uploads/2016/12/cwactbylaws122916.pdf\)](http://www.ocwcog.org/wp-content/uploads/2016/12/cwactbylaws122916.pdf)
- [CWACT Charter letter \(pdf\) \(http://www.ocwcog.org/wp-content/uploads/2016/02/CWACTCharterletter.pdf\)](http://www.ocwcog.org/wp-content/uploads/2016/02/CWACTCharterletter.pdf)
- [CWACT-AAMPO Protocol \(pdf\) \(http://www.ocwcog.org/wp-content/uploads/2016/02/AAMPO-CWACTProtocol.pdf\)](http://www.ocwcog.org/wp-content/uploads/2016/02/AAMPO-CWACTProtocol.pdf)
- [CWACT-CAMPO Protocol \(pdf\) \(http://www.ocwcog.org/wp-content/uploads/2016/02/CAMPO-CWACTProtocol.pdf\)](http://www.ocwcog.org/wp-content/uploads/2016/02/CAMPO-CWACTProtocol.pdf)
- [2016 Biennial Report \(pdf\) \(http://www.ocwcog.org/wp-content/uploads/2016/12/2016-Biennial-Report-CWACT.pdf\)](http://www.ocwcog.org/wp-content/uploads/2016/12/2016-Biennial-Report-CWACT.pdf)

Contact Us

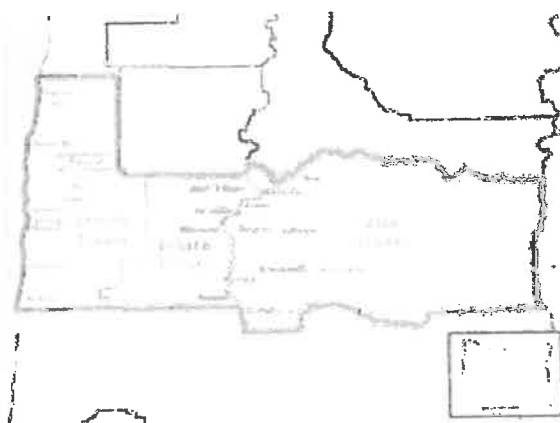
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541-924-8474

CWACT Footprint

The map below shows the CWACT Region, which includes Linn, Benton, and Lincoln Counties.



[http://www.ocwcog.org/wp-](http://www.ocwcog.org/wp-content/uploads/2018/06/COG-jurisdictions-map.png)

[content/uploads/2018/06/COG-jurisdictions-map.png\)](http://www.ocwcog.org/wp-content/uploads/2018/06/COG-jurisdictions-map.png)

External Resources

- [Albany Call-A-Ride](http://www.cityofalbany.net/departments/publicworks/transportation/call-a-ride-service)
(<http://www.cityofalbany.net/departments/publicworks/transportation/call-a-ride-service>)
- [Albany Transit](http://www.cityofalbany.net/departments/publicworks/transportation/albany-transit-system)
(<http://www.cityofalbany.net/departments/publicworks/transportation/albany-transit-system>)
- [Benton County Dial-A-Bus](http://dialabus.org/)
(<http://dialabus.org/>)
- [Caravan Airport Transportation](http://caravanairporttransportation.com/)
(<http://caravanairporttransportation.com/>)
- [Cherriots](http://www.cherriots.org/) (<http://www.cherriots.org/>)
- [Cherriots Regional](http://www.cherriots.org/regional)
(<http://www.cherriots.org/regional>)
- [Corvallis Transit](http://www.corvallisoregon.gov/index.aspx?page=167)
(<http://www.corvallisoregon.gov/index.aspx?page=167>)
- [Greyhound Bus Line](https://www.greyhound.com/home/)
(<https://www.greyhound.com/home/>)
- [Hut Shuttle](http://www.hutshuttle.com/) (<http://www.hutshuttle.com/>)
- [Lane Transit District](https://www.ltd.org/) (<https://www.ltd.org/>)
- [Lebanon Dial-A-Bus](http://www.ci.lebanon.or.us/seniorservice)
(<http://www.ci.lebanon.or.us/seniorservice>)
- [Lincoln County Dial-A-Ride](http://www.co.lincoln.or.us/transit/page/di)
(<http://www.co.lincoln.or.us/transit/page/di>
[ride](http://www.co.lincoln.or.us/transit/page/di))
- [Lincoln County Transit](http://www.co.lincoln.or.us/transit)
(<http://www.co.lincoln.or.us/transit>)
- [Linn Shuttle](http://www.linnshuttle.com/) (<http://www.linnshuttle.com/>)
- [Linn-Benton Loop](http://www.takeheloop.com)
(<http://www.takeheloop.com>)
- [Oregon Department of Transportation](http://www.oregon.gov/ODOT/)
(<http://www.oregon.gov/ODOT/>)
- [Sweet Home Dial-A-Bus](http://www.linnshuttle.com/home.cfm?dir_cat=16929)
([http://www.linnshuttle.com/home.cfm?](http://www.linnshuttle.com/home.cfm?dir_cat=16929)
[dir_cat=16929](http://www.linnshuttle.com/home.cfm?dir_cat=16929))
- [Trimet Portland Transit](http://trimet.org/) (<http://trimet.org/>)

OREGON CASCADES WEST
COUNCIL OF GOVERNMENTS



(<https://www.facebook.com/OCWCOG>)



(<https://www.linkedin.com/company/284602>)

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Print

Sweet Home, OR Code of Ordinances

CHAPTER 15.01: ADMINISTRATION AND ENFORCEMENT— BUILDING CODE

Section

- 15.01.010 Title.
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- 15.01.050 Authority to disconnect utilities in emergencies.
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- 15.01.070 Maintenance.
- 15.01.080 Occupancy violations.
- 15.01.090 Appeals.
- 15.01.100 Plan and permits issuance.
- 15.01.110 Validity of permit.
- 15.01.120 Permit expiration, extension and reinstatement.
- 15.01.130 Work without a permit.
- 15.01.140 Non-transferability.
- 15.01.150 Violation – penalty.

§ 15.01.010 TITLE.

These regulations shall be known as the “City of Sweet Home Building Code”, and will be referred to herein as “this code”.

(Ord. 1204, § 1(part), 2008)

§ 15.01.020 PURPOSE.

The purpose of this code is to establish standards and procedures within the City of Sweet Home, Oregon. These regulations are necessary in order to:

- A. Protect the public health, safety and welfare of the residents, occupants, and users of structures in Sweet Home.
- B. Provide for the use of best methods practices for the construction of structures.

C. Meet the standards and procedures for implementation of State Codes in compliance with Oregon Revised Statutes (O.R.S.).

(Ord. 1204, § 1(part), 2008)

§ 15.01.030 SCOPE OF REGULATIONS.

A. The city shall administer the State Building Code as set forth in O.R.S. Chapter 455 as now enacted or hereafter amended.

B. This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and other work associated with any building or structure, except when located within a public right-of-way.

C. Where there is conflict between a general requirement and a specific requirement in sections of this code, the specific requirement shall be applicable.

D. Where there is conflict between this code and any O.R.S., the O.R.S. shall govern.

(Ord. 1204, § 1(part), 2008)

§ 15.01.040 DEFINITION.

For the purpose of this title, the following definition shall apply:

BUILDING OFFICIAL. The City of Sweet Home Building Official, or a designee authorized by the Building Official.

(Ord. 1204, § 1(part), 2008)

§ 15.01.050 AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES.

A. The Building Official shall have the authority to disconnect utility services to a building, structure, premises, or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property.

1. The Building Official shall, whenever possible, notify the serving utility, the owner and the occupant of the decision to disconnect prior to taking such action.

2. The serving utility, owner and the occupant shall be notified in writing of such disconnection within a reasonable time thereafter.

B. No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this Code which has been disconnected until authorized by the Building Official.

(Ord. 1204, § 1(part), 2008)

§ 15.01.060 AUTHORITY TO ABATE HAZARDOUS EQUIPMENT.

A. When the Building Official determines that equipment regulated by this code has become hazardous to life, health, or property, the Building Official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition.

B. Notice shall be given in writing and must include a fixed time limit for compliance and a statement that the defective equipment shall not be used until compliance has been confirmed by the Building Official.

C. When equipment is to be disconnected, written notice of the disconnection shall be given within 24 hours to the involved utility, the owner and occupant of the building, structure, or premises, and must include a statement of the causes for the disconnection.

D. When equipment is maintained in violation as noted in the notice, the Building Official may take such action deemed necessary to prevent, restrain, correct, or abate the violation.

(Ord. 1204, § 1(part), 2008)

§ 15.01.070 MAINTENANCE.

All buildings and structures, both existing and new, and all new parts thereof, shall be maintained in a safe and sanitary condition.

A. All devices or safeguards, which are required by this code, shall be maintained in conformance with the code edition under which it was originally installed.

B. The owner, or the owner's designated agent, shall be responsible for the maintenance of buildings and structures.

C. To determine compliance with this section, the Building Official may require a structure to be inspected.

(Ord. 1204, § 1(part), 2008)

§ 15.01.080 OCCUPANCY VIOLATIONS.

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the Building Official may order such use discontinued and the structure, or portions thereof, vacated.

A. The Building Official shall provide notice to the owner and occupants of the structure stating a fixed time for compliance.

B. All persons using the structure, or portion thereof, shall discontinue use within the time prescribed by the notice and make the structure, or portion thereof, comply with the requirements of this code, as required by the Building Official.

(Ord. 1204, § 1(part), 2008)

§ 15.01.090 APPEALS.

A. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relating to the suitability of alternate materials and methods of construction or interpretation by the Building Official with regard to the building code, there shall be and is hereby created a Board of Appeals.

1. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City of Sweet Home.

2. The Building Official shall be an ex officio member of and shall act as secretary to the Board but shall have no vote on any matter before the Board.

3. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure.

4. The Board shall adopt rules of procedure for conducting its business, and render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

5. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.

B. Appeals may be filed by any of the following, if affected by a decision:

1. The owner or authorized agent.

2. Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision.

3. Any agency, officer, or department of the city, which has the responsibility for providing city facilities and/or services to the parcel of land.

C. The time period for appeals from notices, orders, or action of the Building Official shall be ten days.

D. The Building Official shall schedule a meeting of the Board within 15 days of the filing of the appeal.

1. The Board of Appeals shall grant a hearing or dismiss the appeal.

2. The appeal shall be dismissed if not filed in compliance with Sweet Home Municipal Code § 15.01.080(B). If the appeal is dismissed, the Building Official's decision is final.

3. The hearing shall be held not later than 30 days after filing the appeal.

(Ord. 1204, § 1(part), 2008)

§ 15.01.100 PLAN AND PERMITS ISSUANCE.

The application, plans, specification, computation and other data filed by an applicant for a permit shall be reviewed by the Building Official and other city departments to verify compliance with any applicable laws.

A. When the Building Official finds the required submitted materials conform to the this code and other applicable laws and all fees have been paid, the Building Official shall issue a permit to the applicant.

B. Plans approved shall be endorsed by the Building Official.

C. Approved plans and specifications shall not be changed, modified, or altered without review and approval of the Building Official.

D. The Building Official may issue a permit for construction of a part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The person holding the permit shall proceed without assurance that the permit for the entire building or structure will be granted.

(Ord. 1204, § 1(part), 2008)

§ 15.01.110 VALIDITY OF PERMIT.

A. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of the provisions of this code or of any federal, state, or city law, statute, rule, regulation or ordinance.

B. The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from requiring the correction of errors in the plans, specifications, and other application materials.

C. The issuance of a permit shall not prevent the Building Official from stopping building operations being carried out under the permit when there is a violation of this code or any other ordinances of the city.

(Ord. 1204, § 1(part), 2008)

§ 15.01.120 PERMIT EXPIRATION, EXTENSION AND REINSTATEMENT.

A. Permits shall become null and void if:

1. The work authorized is not begun within 180 days from the date permit is issued.
2. After the work is begun, the work is suspended or abandoned for a period of 180 days, as determined by the Building Official.

B. A permit shall become null and void 24 months after the date of permit issuance.

1. If the work authorized by a permit has not received final inspection approval prior to the permit expiration date, all work shall stop.

a. The Building Official may make an exception to this requirement at the time a permit is issued when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

b. The Building Official may approve a one time extension for up to six months if the permit holder can document sufficient progress that would indicate project completion can occur within six months.

c. A new permit must be obtained for the work remaining unfinished. The permit fees will be based on the value of unfinished work.

C. A permit holder may submit a written request for an extension of an un-expired permit.

1. The Building Official may approve an extension of a period not exceeding 180 days.
2. No permit shall be extended more than once, except as allowed by subsection B.1.(b) of this section.

D. An expired permit can be reinstated to allow the work authorized by the original permit when all of the following conditions can be met:

1. The applicable laws and codes under which the original permit was issued have not been amended in a manner that affects the work authorized by the original permit.
2. No changes have been made or will be made in the original plans and specifications approved by the original permit.
3. The original permit expired less than one year from the request to reinstate.

E. A reinstated permit shall expire on the expiration date of the original permit.

F. The fee for a reinstated permit shall cost one-half the amount of a permit authorizing the same work at the current rate schedule.

G. An expired permit that does not comply with the preceding criteria will not be reinstated and a new permit, at full permit and plan review fees shall be required.

(Ord. 1204, § 1(part), 2008)

§ 15.01.130 WORK WITHOUT A PERMIT.

Whenever any work for which a permit is required by this code has been commenced without first obtaining the permit, an investigation shall be made before a permit may be issued for such work.

A. An investigation fee shall be collected whether or not a permit is subsequently issued.

B. An investigation fee shall be collected in addition to required permit fees.

C. Payment of a reinstatement fee shall not exempt any person from compliance with all other provisions of this code, nor from any penalty prescribed by law.

(Ord. 1204, § 1(part), 2008)

§ 15.01.140 NON-TRANSFERABILITY.

A permit issued to a person or firm is not transferable and shall not permit any other person or firm to perform any work authorized under a permit.

(Ord. 1204, § 1(part), 2008)

§ 15.01.150 VIOLATION--PENALTY.

A. Except for violations of building code as adopted in Sweet Home Municipal Code § 15.03.010, failure to comply with any of the provisions and requirements of Sweet Home Municipal Code Title 15 shall constitute a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36.

B. Abatement of a violation of this title can be accomplished by any remedy open to the city, including using the procedures set out in Sweet Home Municipal Code Chapter 8.04 for the abatement of nuisances.

C. Each day that a violation exists is a separate offense.

(Ord. 1214, § 1, 2010; Ord. 1204, § 1(part), 2008)

2017 ORS 294.414¹

Budget committee

- (1)** Except as provided in ORS 294.423 (Governing body of certain municipal corporations to be budget committee), the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of this section.
- (2)** The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.
- (3)** The members of the budget committee shall receive no compensation for their services as members of such committee.
- (4)** Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.
- (5)** Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.
- (6)** Appointive members of a budget committee that prepares a biennial budget shall be appointed for terms of four years. The terms shall be staggered so that, as near as practicable, one-fourth of the terms of the appointive members end each year.
- (7)** If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.
- (8)** If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by

subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

- (9) The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members. [Formerly 294.336]

¹ Legislative Counsel Committee, *CHAPTER 294—County and Municipal Financial Administration*, https://www.oregonlegislature.gov/bills_laws/ors/ors294.html (2017) (last accessed Mar. 30, 2018).

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Sweet Home, OR Code of Ordinances

CHAPTER 2.12: LIBRARY BOARD OF TRUSTEES

Section

- 2.12.010 Library—Established.
- 2.12.020 Library Board.
- 2.12.030 Board organization.
- 2.12.040 Library Board—General powers.
- 2.12.050 Acceptance of gifts for library purposes.
- 2.12.060 Internal administrative policies and procedures.
- 2.12.070 Prohibited actions and penalties.

§ 2.12.010 LIBRARY—ESTABLISHED.

A. A public library is established for the city under the provisions of O.R.S. 357.400 to 357.621.

B. The public library shall be financed through the use of General Fund monies, revenue obtained from the operation of the library, grants, gifts, donations and bequests received and designated to be used for library purposes and any tax levies that may be authorized by the electors.

C. The Sweet Home Public Library shall be the public agency responsible for providing and making freely accessible to all residents in the city library and information services suitable to persons of all ages.

(Ord. 983, 1989)

§ 2.12.020 LIBRARY BOARD.

A. The Sweet Home Public Library Board is created. The Board shall consist of five members to be appointed by the City Council.

B. The term of office of the Board members shall be four years and their terms shall commence on July 1 in the year of their appointment. The terms of office shall be staggered so that the terms of not more than two Board members will expire in the same year. Of the first five Board members appointed, one member shall initially hold office for one year, one for two years, one for three years and two for four years. At the expiration of the term of any members of the

Board, the City Council shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs during a term of office, the governing body shall appoint a new member for the balance of the unexpired term.

C. Members of the Board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

(Ord. 983, 1989)

§ 2.12.030 BOARD ORGANIZATION.

A. The Library Board shall elect a chairperson and vice-chairperson.

B. The Library Director shall be an ex-officio member and shall serve as Secretary to the Board and keep the record of its actions.

C. Three appointed members of the Board shall constitute a quorum.

D. The Board may establish and amend rules and regulations for its government and procedure consistent with the laws of the state and with the Charter, ordinances, resolutions and regulations of the city.

E. The Board shall meet at least once a month and at such other times as it may provide by its rules.

(Ord. 983, 1989)

§ 2.12.040 LIBRARY BOARD—GENERAL POWERS.

The Library Board shall be an advisory board and shall have no executive or administrative powers or authority and this chapter shall not be construed as depriving elected or appointed officials of the city of any power they may have under the laws of the state or the Charter of the city. The Board shall have powers and duties as follows.

A. Upon request by the City Manager, the Library Board may assist in the interview process of selecting and appointing a library director. The City Manager, as the fiscal and administrative agent for the library, shall have primary responsibility for library personnel, including recruitment, selection, classification and pay and supervision.

B. The Library Board shall make recommendations to the City Council about rules and policies for the efficient and effective operation of the library, its services and programs.

C. The Library Board shall approve the budget request prepared by the Library Director for submittal to the Budget Committee.

D. The Library Board shall make recommendations for the acceptance, use or expenditure of any real or personal property or funds donated to the library under § 2.12.050.

E. The Library Board shall make recommendations for the selection of sites for public library buildings or for location of library facilities.

F. The Library Board shall approve an annual report to the state library and to the City Council submitted in a timely manner on a form supplied by the state library.

G. The Library Board shall develop and recommend to the City Council long-range plans for library service, consistent with city priorities and with state, regional and national goals for libraries.

(Ord. 983, 1989)

§ 2.12.050 ACCEPTANCE OF GIFTS FOR LIBRARY PURPOSES.

Gifts of any real or personal property or funds donated to the library and accepted by the governing body shall be administered in accordance with each gift's terms and all property or funds shall be held in the name of the city.

(Ord. 983, 1989)

§ 2.12.060 INTERNAL ADMINISTRATIVE POLICIES AND PROCEDURES.

The City Manager shall be the fiscal and internal administrative agent for the Sweet Home Public Library and the library shall operate in conformance with city administrative procedures, including those pertaining to the following:

- A. Personnel, including recruitment, selection, classification and pay for library personnel;
- B. Receipt, disbursement and accounting for monies;
- C. Maintenance of general books, cost accounting records and other financial documents;
- D. Budget administration; and
- E. Operation and maintenance of equipment and buildings.

(Ord. 983, 1989)

§ 2.12.070 PROHIBITED ACTIONS AND PENALTIES.

A. It shall be unlawful for any person to willfully or maliciously detain any library materials belonging to the Sweet Home Public Library for 30 days after notice in writing from the Library Director that the library material is past due. The notice shall bear, upon its face, a copy of this section.

B. Violation of subsection A. of this section is punishable upon conviction by a fine of not less than \$25, nor more than \$200, and may be prosecuted under the provisions of Chapter 9.36 as now enacted and thereafter amended. The conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return the material to the library.

(Ord. 983, 1989)

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Sweet Home, OR Code of Ordinances

CHAPTER 2.08: LOCAL CONTRACT REVIEW BOARD

Section

2.08.010 Designated.

2.08.020 City Council—Authority.

§ 2.08.010 DESIGNATED.

Pursuant to O.R.S. 279A.060, the City Council is designated as the Local Contract Review Board for the city. Relative to contract concerns of the city, and not as a limit thereon, the Board shall have all the powers granted under state law to a local contract review board.

(Ord. 1203, § 1, 2008; Ord. 659, 1976)

§ 2.08.020 CITY COUNCIL—AUTHORITY.

The City Council, acting as the Local Contract Review Board, shall adopt rules to govern public contracts of the city.

(Ord. 1203, § 1, 2008; Ord. 659, 1976)

ORDINANCE BILL NO. 9 FOR 2017

ORDINANCE NO. 1263

SWEET HOME ORDINANCE ESTABLISHING CERTAIN CITY COMMITTEES

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Sweet Home Municipal Code Chapter 2.10 is created to read as follows:

CHAPTER 2.10 CITY COMMITTEES

Section

- 2.10.010 Establishment.
- 2.10.020 Membership.
- 2.10.030 Terms of office.
- 2.10.040 Rules of committee
- 2.10.050 Powers and duties.

2.10.010 ESTABLISHMENT.

There are established the following committees to serve at the pleasure and in service to the City Council:

1. Park And Tree Committee
2. Public And Traffic Safety Committee

2.10.020 MEMBERSHIP.

A. Each Committee listed in SHMC 2.10.010 shall consist of seven voting members appointed by the Mayor with members confirmed by the City Council.

B. Each Committee may have up to three non-voting ex-officio members who are appointed by the Mayor.

C. Each Committee shall have a Chairperson elected by the Committee and a Vice-chairperson elected by the Committee who shall have the same authority as the Chairperson when the Chairperson is absent.

D. Not more than two of the voting members of a Committee shall be non-residents of the city. A non-resident member must reside within the boundaries of the Sweet Home School District No. 55. The non-resident provision does not apply to any current member of a committee, board or commission that is being reorganized hereby.

E. If a vacancy occurs during a term of office the Mayor may appoint a city council member or non-council member with confirmation by the City Council to serve for the duration of the term of office on the Committee.

2.10.030 TERMS OF OFFICE.

A. This section shall not apply to an ex-officio member of a Committee.

B. The term of office of each committee member is four years or until a successor is appointed and confirmed as set forth above.

C. The term of office of each committee member shall be staggered so that the terms of not more than three committee members will expire in the same year.

D. Notwithstanding subsection B of this section the committee members of the first Committee appointed and confirmed shall draw lots for the length of their terms of office so that three members shall serve two years.

2.10.040 RULES OF COMMITTEE

A. The Committee shall take minutes of its meetings and submit copies of its minutes to the City Council and shall prepare and submit such reports as from time to time may be requested of it by the City Council or other city committees, boards or commissions.

B. In all cases not specifically provided for herein or in city charter, ordinance or rule, the Committee shall be governed by the law and precedents laid down in the then current edition of Robert's Rules Of Order.

C. A majority of committee members is a quorum to conduct business and the concurrence of a majority of a quorum shall be required to determine any matter before the Committee.

D. Voting members of a Committee shall receive no compensation for services rendered. The Committee may receive gifts, bequests or devises of property to carry out any of the purposes of the Committee. Gifts of any real or personal property or funds donated to the Committee and accepted by the governing body shall be administered in accordance with each gift's terms and all property or funds shall be held in the name of the city.

E. A Committee shall be an advisory committee and shall have no executive or administrative powers or authority and this chapter shall not be construed as depriving elected or appointed officials of the city of any power they may have under the laws of the state, charter or ordinances of the city.

F. Any member who misses two consecutive meetings without a leave of absence granted by the Chairperson will be asked to step down and a new member will be appointed and confirmed as set forth above to fill the vacancy.

G. The minutes of the Committee shall be included in the City Council packets.

H. All annual reports of a Committee for the City Council shall be presented before April 1, of each year.

2.10.050 POWERS AND DUTIES

PARK AND TREE COMMITTEE:

The powers and duties of the Park And Tree Committee shall be as follows:

1. To conduct an inventory of existing street trees, including historical trees and public properties in need of beautification and plantings and present a written report to the City Council of its findings;

2. To develop and recommend to the City Council, for its adoption, a master list of trees suitable for planting within the city. The list shall be reviewed annually, a copy of which shall be kept on file in the office of the City Recorder for public information;

3. To develop and recommend to the City Council, for its adoption, ordinances and policies for the planting, care, maintenance, replacement and protection of trees throughout the city;

4. To act in an advisory capacity to the Planning Commission with respect to landscape design, suitable plantings, protection of natural vegetation and street tree requirements;

5. To submit recommendations to the City Council regarding the beautification of public properties and rights-of-way;

6. To promote public knowledge and acceptance of the value of tree planting and maintenance programs and requirements;

7. To develop a capital development program for each fiscal year, to include acquisition of new land and/or development of existing property for parks and other recreation areas;

8. To recommend recreation programing needs to be produced by the city;

9. To recommend an operating budget to carry out the recreation program as outlined for the forthcoming fiscal year; and

10. To preform additional duties and studies as may be required from time to time by the City

Council.

11. To meet a minimum of four meetings a year, beginning with the month of December, which meeting should be devoted to the development of the next year's capital and recreation programs.

PUBLIC AND TRAFFIC SAFETY COMMITTEE:

The duties and powers of the Public And Traffic Safety Committee shall be as follows:

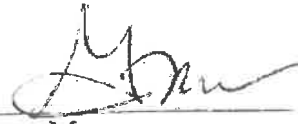
1. To work closely with the state's Traffic Safety Committee and seek whatever assistance as would benefit the city. The Committee shall engage in a traffic safety program within the city to ensure public traffic safety awareness.

2. To review all requests to establish or alter traffic controls and parking controls and all traffic safety problems coming to the attention of the Committee. The Committee shall be empowered to make recommendations to the City Council for corrective action.

3. To review all public safety matters that are referred to it by the City Council.

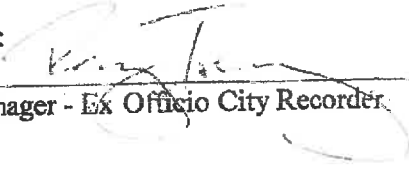
Section 2. The existing Street Tree Commission, Park Board and Traffic Safety Committee are hereby dissolved and the current members thereof are hereby appointed by the Mayor and confirmed by the City Council to the respective Committees established herein that correspond to the powers and duties they were performing. SHMC Chapter 2.16, Chapter 2.24 and Chapter 2.28 are hereby repealed along with their enacting ordinances 585, 707, 721, 788, 993 and 1095.

PASSED by the Council and approved by the Mayor this 10th day of October, 2017.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

Print

Sweet Home, OR Code of Ordinances

CHAPTER 2.20: CITY PLANNING COMMISSION

Section

- 2.20.010 Establishment.
- 2.20.020 Membership.
- 2.20.030 Terms of office.
- 2.20.040 Vacancies and removal.
- 2.20.050 Presiding members.
- 2.20.060 Staff and consultation services—Expenses.
- 2.20.070 Meetings.
- 2.20.080 Conflict of interest.
- 2.20.090 Powers and duties.

§ 2.20.010 ESTABLISHMENT.

There is established a City Planning Commission for the city.

(Ord. 652, 1975)

§ 2.20.020 MEMBERSHIP.

A. The Planning Commission shall consist of seven voting members to be appointed by the City Council. These members shall not be officials or employees of the city. Not more than two of the members shall be non-residents of the city. To be eligible for appointment, non-city members must reside within the boundaries of Sweet Home School District No. 55.

B. In addition to the members appointed by the City Council, the City Manager and the City Engineer shall serve as ex-officio non-voting members of the Planning Commission.

C. No more than two of the voting members may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two of the members appointed by the City Council shall be engaged in the same kind of business, trade or profession.

(Ord. 652, 1975)

§ 2.20.030 TERMS OF OFFICE.

The term of office of voting members of the Planning Commission shall be four years, except that the following procedure shall be used for initial appointments. At the first meeting of the Planning Commission, the seven appointed members shall choose their term of office by lot as follows: one for one year; two for two years; two for three years; and two for four years. The Planning Commission shall immediately thereafter notify the City Council in writing of the allotment.

(Ord. 652, 1975)

§ 2.20.040 VACANCIES AND REMOVAL.

Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the City Council, after hearing, for misconduct or non-performance of duty. A member who is absent from two consecutive meetings without the permission of the Planning Commission Chairperson is rebuttably assumed to be in non-performance of duty and the City Council shall declare the position vacant unless finding otherwise following the hearing.

(Ord. 652, 1975)

§ 2.20.050 PRESIDING MEMBERS.

At its first meeting of each calendar year, the Planning Commission shall elect a chairperson and vice-chairperson to serve one-year terms. The Chairperson and Vice-Chairperson shall be eligible for reelection and shall be elected from among the voting members of the Planning Commission.

(Ord. 652, 1975)

§ 2.20.060 STAFF AND CONSULTATION SERVICES—EXPENSES.

A. The City Manager shall provide the Commission with a secretary who shall keep an accurate record of Planning Commission proceedings.

B. The city shall provide the Planning Commission with such other staff and consultation services as is deemed necessary by the Planning Commission and City Council.

C. The expenses of the Planning Commission and those incurred by staff and consultants to the Commission shall be met by such funds as are budgeted by the City Council for such purposes.

D. Members of the Planning Commission shall receive no compensation, but shall be reimbursed only for duly authorized expenses.

(Ord. 652, 1975)

§ 2.20.070 MEETINGS.

A. Four members of the Planning Commission appointed by the City Council shall constitute a quorum.

B. The Planning Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the state and with the Charter and ordinances of the city.

C. The Planning Commission shall meet at least once a month, at such time and place as may be fixed. All meetings of the Planning Commission shall be open to the public.

D. Meetings other than at regularly-scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. Special meetings may be called at any time by the Chairperson, or by three members, by notice served upon each member of the Planning Commission at least 24 hours before the time specified for the proposed meeting. Notice of a previously unannounced meeting shall be provided to the news media at least 24 hours prior to the meeting.

(Ord. 652, 1975)

§ 2.20.080 CONFLICT OF INTEREST.

A. A member of the Planning Commission shall not participate in any Planning Commission proceeding or action in which any of the following has a direct or substantial interest:

1. The member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law;

2. Any business in which he or she is then serving or has served within the previous two years; or

3. Any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

B. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

(Ord. 652, 1975)

§ 2.20.090 POWERS AND DUTIES.

The duties of the Planning Commission shall include the following.

A. The Planning Commission shall base its decisions relating to land use, public facilities, transportation, housing and related matters on the city General Plan as now or hereafter constituted.

B. The Planning Commission shall conduct an overall review of the city General Plan every odd-numbered year and recommend to the City Council amendments to the plan.

C. The Planning Commission shall recommend, after public hearing, to the City Council specific amendments to the city General Plan that may be proposed from time to time by the public, the Planning Commission or the City Council. The amendments shall be based upon further studies or changed community priorities or conditions.

D. The Planning Commission shall formulate and recommend to the City Council various programs, policies and ordinances intended to implement the city's General Plan.

E. The Planning Commission shall prepare, or cause to have prepared, various studies and plans related to community or neighborhood development problems, issues and needs.

F. The Planning Commission shall review the annual capital improvement program for submittal to the City Council.

G. On request, the Planning Commission shall review and submit recommendations to the City Council regarding city boundary changes or any public program for the acquisition and development of public facilities and transportation.

H. The Planning Commission shall review and take final action on all proposed subdivisions.

I. The Planning Commission shall conduct public hearings, prepare and maintain accurate minutes and records of these hearings and perform such other duties relating to the city's land use control ordinances, including zoning and subdivision regulations, as may be prescribed by state law and city ordinance.

J. At the request of the City Council, the Planning Commission shall perform other duties related to some aspect of community planning and development.

K. The Planning Commission shall submit an annual report to the City Council, by October 1 of each year, on the activities of the Planning Commission.

L. The Planning Commission shall forward copies of the minutes of its proceedings to the City Council on a monthly basis.

M. The Planning Commission shall encourage cooperation and coordination with public and semipublic agencies, civic and private organizations and other individuals and groups having an interest in the development of the city and its surrounding area.

N. The Planning Commission shall also have all the powers which are now, or may hereafter be, given to it, under the general laws of the state or the Charter or ordinances of the city.

(Ord. 652, 1975)

TITLE 5

PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE

CHAPTER 530

SOLID WASTE AND DISPOSAL CODE

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I. GENERAL PROVISIONS

530.001 Short Title

This Chapter shall be known as the "Solid Waste Collection and Disposal Code" and may be so cited and pleaded and shall be cited herein as "this Chapter."

[Adopted 71-042 §1.01 eff 3/31/71]

530.005 Purpose and policy

To protect the health, safety and welfare of the people of Linn County and to provide a coordinated solid waste management program, it is declared to be the public policy of Linn County, Oregon, to regulate solid waste management to:

(A) Provide for safe and sanitary accumulation, storage, collection, transportation and disposal of solid wastes.

(B) To prohibit accumulation of waste or solid wastes on private property in such manner as to create a public nuisance, a hazard to health, a condition of unsightliness through creation of an unauthorized disposal site.

(C) Develop a regional long-range plan to provide adequate disposal sites and disposal facilities to meet future demands.

(D) Provide for a coordinated County-wide solid waste management plan in cooperation with federal, State and local agencies responsible for the prevention, control or abatement of air, water and ground pollution and prevention of litter.

(E) Provide for and encourage research, studies, surveys and demonstration projects on developing more sanitary, efficient and economical solid waste management systems.

(F) Encourage and promote waste reduction through technologically and economically feasible resource recovery including, without limitation, recycling and reuse, by and through the franchisees and other persons.

(G) Provide for a coordinated solid waste management plan with cities within Linn County and with other counties or cities should regional plans be developed.

(H) Provide for cooperation and agreements between Linn County and other counties involving joint or regional franchising of solid waste collection or disposal.

(I) Provide minimum standards for location and operation of disposal sites to protect adjacent or nearby residents.

(J) Encourage utilization of the capabilities and expertise of private industry in accomplishing the purposes of this Chapter.

[Adopted 71-042 §1.03 eff 3/31/71; amd 83-170 §1 eff 9/6/83]

530.010 Definitions

For the purpose of this Chapter, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory, and the term "this Chapter" shall be deemed to include all amendments hereafter made to this Chapter.

"Administrator" means the Linn County Environmental Health Program Manager and the Program Manager's duly authorized deputy or assistant.

"Board" means the County Commissioners of Linn County, Oregon.

"Collection franchise" means a franchise to store, collect or transport solid waste.

"Collection vehicle" means any vehicle used to collect or transport solid waste.

"Committee" means the Solid Waste Advisory Committee created pursuant to this Chapter.

"Compensation" includes any type of consideration paid for service, including but not limited to, direct or indirect compensation by tenants, licenses or similar persons.

"Dispose or disposal" includes accumulation, storage, collection, transportation and disposal of solid wastes.

"Disposal franchise" means a franchise to create or maintain a disposal site.

"Disposal site" means any land used for the disposal of solid wastes, including, but not limited to, dumps, landfills, sanitary landfills and composting plants, but does not include a landfill site which is not used by the public either directly or through a service and which is used by the owner or tenant thereof to dispose of sawdust, bark, soil, rock, building demolition material or nonputrescible industrial waste products resulting from the process of manufacturing.

"Franchise" means a franchise to provide service issued by the Board pursuant to this Chapter.

"Hazardous solid waste" means solid waste that may, by itself or in combination with other solid wastes, be infectious, explosive, poisonous, caustic or toxic or otherwise dangerous or injurious to human, plant or animal life.

"Incinerator" means a combustion device specifically designed for the reduction, by burning of solid, semi-solid or liquid combustible wastes.

"Landfill" means a disposal site operated by means of compacting and covering solid waste at specific designated intervals, but not each operating day.

"Person" means and includes individuals, corporations, associations, firms, partnerships and joint stock companies.

"Putrescible material" means organic materials that can decompose and may give rise to foul smelling, offensive products.

“**Regulations**” means regulations promulgated by the Board pursuant to this Chapter.

“**Rules**” means rules promulgated by state agencies pursuant to ORS Chapter 459.

“**Sanitary landfill**” means a disposal site operated by means of compacting and covering solid waste at least once each operating day.

“**Service**” means disposal by private persons for compensation.

“**Service area**” means the geographical area in which service, other than operation of a disposal site, is provided by any person.

“**Solid waste**” means all putrescible and non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, ashes, paper, cardboard, sewage sludge, street refuse, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, dead animals and other discarded solid materials.

“**Transfer station**” means a transfer station is a disposal site where solid waste is received, temporarily stored, and then transported elsewhere for final disposition.

“**Solid waste management**” includes storage, collection, transportation, treatment, utilization, processing and final disposal or salvage, recycling or reuse of solid waste and necessary facilities therefor.

“**Waste**” means useless, unwanted or discarded materials.

[Adopted 71-042 §1.04 to 1.27 eff 3/31/71; amd 82-038 §1 eff 3/3/82; amd 83-460 §§ 1 and 2 eff 1/1/84; amd 03-335 §1 eff 9/10/03]

530.200 Administration

The Administrator, under the supervision of the Board and with the assistance of the Committee, shall be responsible for the enforcement of this Chapter. In order to carry out the duties imposed by this Chapter, the Administrator shall enter or authorize personnel to enter on the premises of any person regulated by this Chapter at reasonable times to determine compliance with

this Chapter and regulations promulgated pursuant thereto.

[Adopted 71-042 §1.28 eff 3/31/71]

530.210 Persons and agencies exempted

In addition to other provisions of this Chapter applying specifically to abatement, this Chapter shall not apply to:

(A) Areas lying within the limits of any incorporated City, except that with the consent of the governing body of an incorporated City, the County may operate or franchise the operation of a Disposal Site within the limits of the City.

(B) Federal or State agencies that collect, store, transport or dispose of wastes or solid wastes or those persons who contract with such agencies to perform service, but only as to terms for the collection or disposal service or as to rates to be charged for such service under the contract. This exemption shall not apply to disposal on a disposal site operated by a franchise under this Chapter.

[Adopted 71-042 §1.29 eff 3/31/71; amd 82-038 §2 eff 3/3/82]

II. SOLID WASTE ADVISORY COMMITTEE

530.300 Solid Waste Advisory Committee

There is hereby created a Solid Waste Advisory Committee consisting of:

(A) Members:

(1) The Mayor of the City of Albany or the Mayor's designated representative.

(2) The Mayor of the City of Lebanon or the Mayor's designated representative.

(3) The Mayor of the City of Sweet Home or the Mayor's designated representative.

(4) The Mayor of another City in Linn County, to be appointed by the Board, or that Mayor's designated representative.

(5) Three members from the general public, to be appointed by the Board.

(B) The Administrator who shall serve as chairman but who shall not vote.

(C) Advisors to the Committee, who shall not vote:

(1) District Attorney or a delegated representative.

(2) Director of Department of Environmental Quality or a delegated representative.

(3) Oregon Refuse and Recycling Association.

(4) Linn County franchisees.

(5) Linn County Planning and Building Director or a delegated representative.

(6) Linn County Engineer or a delegated representative.

[Adopted 71-042 §2.01 eff 3/31/71; amd 82-038 §3 eff 3/3/82; amd 03-335 §1 eff 9/10/03]

530.310 Appointment of Solid Waste Advisory Committee

(A) General Public Members shall be appointed by the Board for three (3) year terms, with initial terms being for 1, 2, and 3 years. The Board may appoint or approve designation of alternates to serve in the absence of persons appointed to the Committee.

(B) Mayors of Albany, Lebanon and Sweet Home, or their designates, shall serve for the term of their office. The term of the Mayor of a Fourth City, or that Mayor's designate, shall be for two years. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term.

(C) The Chairman may appoint one member as Vice-Chairman. Four members of the Committee shall constitute a quorum for the transaction of business. The Committee shall meet at such times as deemed necessary or as called by the Board. The Chairman or any three members of the Committee may call a special meeting with ten days' notice to other members of the Committee; provided, however, that members may waive such notice.

[Adopted 71-042 §2.02 eff 3/31/71; amd 82-038 §4 eff 3/3/82]

530.320 Duties of the Solid Waste Advisory Committee

In addition to other duties prescribed by this Chapter, the Committee shall:

(A) Make an annual report to the Board containing recommendations on development and implementation of a solid waste management plan and any necessary regulations or amendments to this Chapter.

(B) In consultation with responsible public officials and with persons providing service:

(1) Develop and periodically review a solid waste management plan including regional disposal sites and necessary disposal systems for review, adoption or modification by the Board.

(2) Develop and recommend to the appropriate agency or the Board minimum standards for location and operation of disposal sites including but not limited to, protection of adjacent or nearby residents.

(C) Perform such other duties as directed by the Board or as the Committee may find necessary to effectively carry out the purposes of this Chapter.

[Adopted 71-042 §2.03 eff 3/31/71]

III. SOLID WASTE REGULATION

530.340 Regional Solid Waste Committee

The Board may appoint one or more members of the Committee to serve on any regional solid waste committee to advise the Board.

[Adopted 71-042 §2.04 eff 3/31/71]

530.400 Regulation of solid waste management

Upon its own motion or upon recommendation of the Committee, the Board may adopt reasonable and necessary regulations governing disposal sites or implementing this Chapter. Such regulations shall conform to ORS Chapter 459 and rules promulgated pursuant thereto.

[Adopted 71-042 §3.01 eff 3/31/71]

530.500 Persons, activities and practices regulated

Except as provided in LCC 530.520, no private persons shall provide service for compensation except as authorized by a collection or

disposal franchise issued pursuant to LCC 530.500 to 530.999.

[Adopted 71-042 §4.01 eff 3/31/71]

IV. FRANCHISES

530.510 Applications for franchises

(A) Application for a franchise shall be made on forms provided by the Administrator. The Administrator may require filing of additional information necessary to determine compliance with this Chapter, ORS Chapter 459, Chapter 459A and regulations and rules promulgated thereunder together with any other applicable laws or County Code.

(B) The applicant shall prove to the Board that:

(1) Applicant has sufficient collection vehicles, equipment, land, facilities or personnel to meet the standards established by this Chapter and ORS Chapter 459 and regulations or rules promulgated thereunder.

(2) Applicant is current and agrees to remain current on all taxes owed to federal, state and local taxing agencies, including but not limited to, ad valorem taxes owed on all real and personal property owned or leased by the applicant.

(3) Applicant has in force and will continue to hold general liability insurance in the amount of not less than \$1,000,000 per occurrence, which shall be evidenced by a certificate of insurance..

(4) Applicant has good moral character, or if the applicant is a business entity, the principal partners or officers are of good moral character.

(5) Applicant has sufficient experience in properly providing service of a comparable quality and quantity to insure compliance with this Chapter, any regulations promulgated thereunder and any franchise issued to him. If the applicant does not prove to the satisfaction of the Board that the applicant has sufficient and successful experience, the Board may require the applicant to

submit a corporate surety bond in the amount of \$5,000 or 1/12 the estimated gross revenue to be derived from service annually, whichever is greater, guaranteeing full and faithful performance by the applicant of the duties and obligations of a franchisee under this Chapter. If the applicant is applying for both a disposal franchise and a collection franchise or collection franchises, the Board may permit the applicant to provide a single bond covering all such liabilities.

(C) Applicants shall specify the nature, type and extent of service to be provided; any solid wastes that will not be accepted for collection or disposal; and, any special requirements for the handling of hazardous wastes.

[Adopted 71-042 §4.02 eff 3/31/71; amd 84-128 §1 eff 3/28/84; amd 03-335 §1 eff 9/10/03]

530.520 Existing disposal and collection operators

Persons providing collection or disposal service on the effective date of this Chapter shall file an application for a franchise together with any required information within thirty (30) days thereafter. Upon filing the application, such person may continue providing service until a final determination on the application is made by the Board or a Court upon appeal. Persons who meet the applicable qualifications of this article and who were providing service on the effective date of this Chapter and on January 1, 1971, shall be awarded a collection franchise for the area they were serving on the effective date of this Chapter.

[Adopted 71-042 §4.03 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

530.530 Specific collection franchise requirements

An applicant for a collection franchise shall prove to the satisfaction of the Board that:

(A) Applicant will use disposal sites authorized by the Board.

(B) Applicant is either:

(1) Providing service in the service area for which the applicant applies on the effective date of this Chapter and had a majority of service accounts in such service area, which shall be

evidenced by a list of customers served and a map of the service area; or

(2) Applying for a service area that has not been franchised to another person, is not being served by the franchisee after notice and a reasonable opportunity to do so or is not being adequately served by a franchisee and that there is a substantial demand from customers for a change in service.

(C) Applicant will, if applying for all or a part of a service area franchised to another person pursuant to LCC 530.530 (B) (2), have available on the first day of such proposed service, collection vehicles, containers or other equipment equal to that presently used in providing such service and that service would be equal to existing service.

[Adopted 71-042 §4.04 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

530.540 Specific disposal franchise requirements

(A) An applicant for a disposal franchise shall submit a duplicate of the information submitted to the Department of Environmental Quality on such site under ORS Chapter 459 and rules promulgated thereunder.

(B) Each applicant may be required to supply a plan for rehabilitation and use of the site after disposal has been terminated and such use shall be a use permitted within the zone in which such land is located. Such plan shall be prepared at a scale of not less than one inch equals 400 feet with topographical contours, an interval of which shall be not less than 25 feet. In the discretion of the Administrator, Committee or Board, the applicant may be required to furnish a map showing greater detail to determine compliance with this Chapter and standards established by the Board. Amended plans may be submitted for approval in the same manner as initial plans.

(C) Where the land upon which a disposal site would be located is privately owned, the owner of the land and the franchise applicant shall, on forms furnished by the Administrator, jointly and severally agree to accept, to be responsible for or to be liable for:

(1) The entry upon the subject premises by persons designated to administer this Chapter to determine compliance with this Chapter and performance of the obligations of the franchisee and the land owner.

(2) Proper establishment, maintenance and operation of the disposal site as required by this Chapter and applicable provisions of ORS Chapter 459, rules promulgated thereunder and other laws or County Code.

(3) Rehabilitation or restoration of the site upon termination of disposal under the land use plan submitted pursuant to LCC 530.540 (B) or any amendment thereto.

(4) The entry upon the subject premises by persons designated by the Board to properly establish, maintain, operate, rehabilitate or restore the site where the landowner or franchisee do not comply with their agreement executed pursuant to this subsection after written notice and a reasonable opportunity to comply as provided in LCC 530.600 (B).

(D) The Board may order the filing in the County deed records of the agreements executed pursuant to LCC 530.540 as a recorded encumbrance on the real property to assure compliance with the conditions and agreements.

[Adopted 71-042 §4.05 eff 3/31/71; amd 84-128 §2 eff 3/28/84]

530.550 Review of applications for franchises

(A) Applications shall be reviewed by the Administrator who shall make such investigation as the Administrator deems appropriate and who may request assistance of other persons as necessary.

(B) The Administrator shall notify the holder of or an applicant for another franchise for any part of the service area under consideration or whose existing or proposed disposal site would reasonably be affected by the disposal site under consideration.

(C) Unless the time is extended by the Board for good cause, the Administrator shall make a recommendation to the Committee within 30 days after the application and any required supplemental information has been filed.

(D) The Committee:

(1) Shall consider the application and the recommendation of the Administrator at the next regular meeting of the Committee or at a special meeting called for the purpose.

(2) May require additional investigation to be made or information to be filed.

(3) May, after written notice to interested persons, call an informational hearing to permit interested persons to testify orally or in writing.

(4) Shall upon the basis of the application, any evidence or testimony submitted and the Administrator's recommendation, make a finding on whether additional area should be included; additional services be provided; additional equipment, facilities, land or personnel be provided; whether conditions should be imposed on disposal; and, with respect to disposal sites, whether or not the site may be integrated with existing private or public sites and whether or not the site is economically feasible.

(5) Shall upon the basis of its findings, transmit its recommendations to the Board to grant, deny or modify or attach appropriate conditions and shall transmit such recommendations within sixty (60) days from the date of the first meeting on the application, unless longer time is required, not to exceed 120 days total.

[Adopted 71-042 §4.06 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

530.560 Board action on applications for franchises

The Board:

(A) May require additional investigation by the Administrator or the Committee if it finds that there is insufficient information on which to base its action.

(B) Shall upon the basis of the application, the Administrator's recommendation, the Committee's recommendation and such other information as is before the Board, affirm, deny or modify the findings of the Committee and make an order granting, denying, or modifying the application of attaching conditions thereto.

(C) Shall not make an order adverse to the applicant or to the holder or applicant for another franchise with an effective date less than thirty (30) days after the date of such order, and shall notify such persons in writing of the order. The Board may suspend the thirty (30) day period upon a finding of immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.

[Adopted 71-042 §4.07 eff 3/31/71; amd 83-460 §3 1/1/84]

530.570 Exclusive or joint service under a franchise

(A) If the Board finds that an applicant for a collection franchise cannot provide service to a particular customer, a group or type of customers or for a particular type or unusually large quantity of solid waste, it may issue a franchise for joint service with another person who can provide the service needed within the defined service area.

(B) If the Board finds that an applicant for a collection franchise can provide adequate service of all types within the defined service area, and that applicable laws controlling exclusive franchising will be complied with it shall issue an exclusive franchise for that area to the applicant.

(C) If a franchisee is unable to provide service for particular types or unusually large quantities of solid wastes:

(1) The Administrator may permit the franchisee to subcontract such service to another person if the Administrator finds that the quality and extent of service would not be jeopardized. The Administrator may require the filing of such information as the Administrator deems necessary. The Administrator may request the recommendation of the Committee on the subcontract.

(2) The Board may issue a temporary or permanent franchise to another person for the limited purpose of providing service to the customer or customers having such solid wastes.

(D) Upon recommendation of the Administrator and a finding by the Board that the need for service justifies action before a complete investigation and final determination can be made, the Board may order the administrator to issue a

temporary certificate valid for a stated period not to exceed six (6) months, entitling a person to serve a defined service area or customers.

[Adopted 71-042 §4.08 eff 3/31/71; amd 83-460 §4 eff 1/1/84; amd 03-335 §1 eff 9/10/03]

530.580 Appeal from determination of Board on franchise

(A) An applicant for a franchise or other affected franchise holders or franchise applicants, may appeal an adverse order by filing written notice of appeal with the Board within thirty (30) days of the date of the order.

(B) Unless an emergency order has been entered, the filing of notice of appeal shall suspend operation of the order until a final determination by the Board on the appeal.

(C) The appellant may request a public hearing as part of the notice of appeal. The Board may, upon its own motion or upon request, set a public hearing not more than thirty (30) days from the date of notice of appeal.

(D) The Board shall provide an adequate opportunity for the appellant and other interested persons together with affected public agencies or governmental jurisdictions to submit written statements or evidence or, if a public hearing is held, to submit oral or written testimony at a public hearing.

(E) Upon the basis of submissions or testimony entered pursuant to this Section, the Board may affirm, modify or rescind its prior order. Subject to court appeal as provided in this Chapter, the determination of the Board on the appeal shall be final.

(F) If the Board makes a final order rejecting all or part of the application for franchise, the applicant may not submit another application containing all or a portion of the same service area or same disposal site for a period of six (6) months unless public interest requires reconsideration within a shorter period of time.

[Adopted 71-042 §4.09 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

530.590 Responsibilities of franchisees

(A) Except as provided in LCC 530.590 (C), no franchisee shall voluntarily discontinue service

to all or any portion of the franchisee's service area or disposal site until the franchisee has:

(1) Given 90 days written notice to affected customers in the franchisee's service area, and

(2) Posted 90 days' notice at the franchisee's disposal site, and

(3) Given 90 days' notice in writing to the Administrator, and

(4) Obtained approval of the Board.

(B) When a franchisee is not serving a service area or portion thereof at the time of granting the franchise, the Board may order that service be provided at such time as it finds the service to be necessary and reasonable.

(C) LCC 530.590 (A) shall not apply to:

(1) Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction.

(2) Refusal to provide service to customers refusing to pay for service in accordance with rates established pursuant to this Chapter. Holders of collection franchises shall not discontinue service under this paragraph without seven (7) days' prior written notice to the customer and to the Administrator. Where service has been refused to a customer for refusal to pay for service, the franchisee may require a reasonable deposit to guarantee payment for future services before reinstating such service.

(3) Transfer of franchises pursuant to LCC 530.660.

(4) Refusal of service to a customer upon reasonable grounds and with the approval of the Administrator upon a finding that service at the particular location would jeopardize the safety of the driver of a collection vehicle or the motoring public, that the customer has not provided reasonable access to the pickup point for the containers storing solid wastes without hazard or risk to the person providing service or that weather conditions prevent service to the particular customer.

(5) Subcontracts under collection franchises pursuant to LCC 530.570 or to a subcontract to operate a disposal site where the Adminis-

trator has approved the subcontract after finding that the quality or extent of service would not be jeopardized. In making a determination, the Administrator may request a recommendation from the Committee, information the Administrator deems necessary to insure compliance and written approval of the owner of the land on which the site is located.

[Adopted 71-042 §4.10 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

V. ENFORCEMENT PROVISIONS

530.600 Enforcement of franchise provisions

In addition to the remedy provided in LCC 530.620 and penalties provided elsewhere in this Chapter:

(A) The Administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke or refuse to renew franchise as provided in this subsection.

If, in the judgment of the Administrator, there is sufficient evidence to constitute a violation of this Chapter, ORS Chapter 459 or the rules or regulations promulgated thereunder, the Administrator shall notify the franchisee in writing of the alleged violation and what steps the franchisee must take to cure the violation and follow the requirements set forth in the notice. The Administrator shall send a copy of the notice to the Committee and may forward a copy to the Board. Upon a finding that a violation exists and that the franchisee is unable to or refuses to cure the violation, the Committee shall make its recommendation to the Board that the franchise be suspended, modified, or revoked or that it not be renewed together with any conditions the Committee deems appropriate.

(B) In the event that the landowner or franchisee under a disposal franchise does not comply with agreements executed pursuant to LCC 530.540 within a reasonable time after written notice to comply, the Board may institute proceedings under LCC 530.600 (C) to enforce compliance. "Reasonable time" within this subsection

shall be determined by the Board upon the basis of health, safety and welfare of the people of Linn County and of the area. In determining what is a "reasonable time" the Board shall give due consideration to, but shall not be limited to, the following:

- (1) The nature of the deficiency.
- (2) Conditions created by the deficiency.
- (3) Hazards to health or safety.
- (4) Creation of a condition of unsightliness.

ness.

(5) Creation of a public or private nuisance.

(6) Whether there is a satisfactory alternative practice, procedure or operation.

(C) Upon failure of the landowner or franchisee to comply with the Board's order within the time specified therein, the Board shall give thirty (30) days written notice to the landowner or franchisee or both at their last known addresses. The Board may shorten this notice to a period of not less than 24 hours' notice made to the landowner or franchisee if the Board finds that there is an immediate and serious danger to the public through creation of a health hazard or a public or private nuisance. After required notice, the Board shall hold a public hearing at which all interested persons shall have the right to be heard. After the public hearing and on the basis thereof, the Board shall have the power to order appropriate County agencies to correct the deficiencies in the establishment, maintenance or operation of the site, or to make required rehabilitation or restoration.

(D) The cost incurred by the County in carrying out LCC 530.600 (C) shall be paid by the landowner or franchisee or both. If not paid, the Board may order appropriate action to be taken to impose a lien upon the subject premises.

[Adopted 71-042 §4.11 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

530.610 Suspension, modification, revocation or refusal to renew a franchise

(A) Upon recommendation by the Committee or upon its own motion the Board may suspend, modify, revoke or refuse to renew a franchise upon finding that the franchisee has:

(1) Willfully violated this Chapter or ORS Chapter 459 or rules or regulations promulgated thereunder;

(2) Materially misrepresented facts or information given in the application for the franchise;

(3) Willfully refused to provide adequate service in a defined service area or at the franchised disposal site after written notification and a reasonable opportunity to do so; or

(4) Misrepresented the gross receipts from the franchised service area or disposal site if such reports are required by this Chapter or by order of the Board.

(B) In lieu of immediate suspension, modification, revocation or refusal to renew a franchise, the Board may order compliance and make the suspension, modification, revocation or refusal to renew a franchise contingent upon compliance with the order of the Board within the period of time stated therein.

(C) If the Board suspends, modifies, revokes or refuses to renew the franchise, the action shall not become effective until thirty (30) days after the date of the order unless the Board finds that there is a serious and immediate danger to the public health or that a public nuisance would be created. The holder of a franchise may request a public hearing before the Board on the order by filing a written request for such hearing with the Board within thirty (30) days after the date of the order. Upon filing of request for hearing, the Board shall set a time and a place for a public hearing within 30 days of the request. The franchisee and other interested persons or affected public agencies or public bodies may submit oral or written evidence to the Board relevant to the Board's order. The Board may, following the public hearing, affirm, amend or rescind its prior order and shall do so within thirty (30) days of the public hearing. Subject to court appeal as provided in this Chapter, the determination of the Board shall be final.

[Adopted 71-042 §4.12 eff 3/31/71]

530.620 Preventing interruption of service

Any applicant for a franchise or franchise renewal agrees, and it is a condition of the applicant obtaining and holding the franchise, that whenever the Board finds that the failure of service or threatened failure of service would result in creation of health hazards or public or private nuisances, the Board shall, after reasonable notice but not less than 24 hours notice to the franchisee and a public hearing if the franchisee requests such hearing, have the right to authorize another franchisee or other person to provide service or to use and operate the land, facilities or equipment of the franchise holder to provide service or to use and operate the land, facilities or equipment of the franchise holder through leasing to provide emergency service in the event of a serious interruption of service to all or to a class or group of customers for so long as such interruption continues.

[Adopted 71-042 §4.13 eff 3/31/71; amd 03-335 §1 eff 9/10/03]

530.630 Franchise term and renewals

(A) Unless the Board finds that a longer or shorter term is required in the public interest, the term for collection franchises shall be ten years.

(B) The term for disposal franchises shall be determined by the Board upon the basis of a recommendation by the Committee based upon site longevity, population to be served and probable use.

(C) Unless grounds exist for refusal to renew a franchise under LCC 530.610 and 530.620, franchises shall be renewable.

Applications for renewal shall be made on forms provided by the Administrator.

[Adopted 71-042 §4.14 eff 3/31/71]

530.640 Franchise fees

The Administrator shall collect, in the manner and at the time provided in this Section, from the holder of:

(A) Any collection franchise. A fee to be set by the Board of not more than six (6) per cent of the gross receipts from providing service to the franchised service area payable to the Administrator each three months payment being due on the

first day following the three month quarterly period, and being delinquent after the fifteenth day following the three (3) month quarterly period. Quarterly payments shall be accompanied by a sworn and verified statement of such gross receipts. Each collection franchise holder shall maintain sufficient books and records to disclose the gross receipts from the service area and shall make such books and records available at reasonable times and places for audit by authorized personnel of Linn County. The Administrator may specify reasonable requirements for keeping such books and records.

(B) Any disposal franchise. Disposal franchise fees shall be on a flat annual fee basis or on a percentage of income basis, at the option of the Board. Fees shall be either;

(1) An annual fee to be established by the Board, in an annual amount not less than \$25 payable to the Administrator on a schedule ordered by the Board, or

(2) A fee to be set by the Board of not more than 12% of the gross receipts for disposal of waste in the disposal site, which fee shall be paid quarterly, to the Administrator, each three months payment being due on the first day following the three month quarterly period, and being delinquent after the fifteenth day following the three (3) month quarterly period.

[Adopted 71-042 §4.15 eff 3/31/71; amd 82-176 §1 eff 8/24/82; amd 83-460 §5 eff 1/1/84]

530.650 Use of franchise fees

Fees collected pursuant to LCC 530.640 shall be paid into a solid waste management fund, and thereafter disbursed as ordered by the Board.

The Committee may make recommendations to the Board on a budget for the use of such funds to carry out the provisions of LCC 530.320.

[Adopted 71-042 §4.16 eff 3/31/71; amd 83-460 §6 1/1/84]

530.660 Transfer of franchises

A franchisee may transfer the franchise, or a portion thereof, to other persons only upon written notice to and approval by the Board.

Upon a recommendation and finding by the Committee, the Board shall approve the transfer if

it finds that the transferee meets all applicable requirements met by the original franchise holder. The Board shall approve or disapprove any application for transfer of a franchise within thirty (30) days of receipt of notice by the Board. The Board may extend this time if it finds that there is a substantial question of public health or safety involved which requires additional time for investigation and decision.

Upon a recommendation of the Committee, the Board may permit a franchise to be pledged as security for purchase of land, equipment or facilities needed to provide service or to finance purchase of a business providing service under this Chapter. The Board may attach whatever conditions it deems appropriate to guarantee maintenance of service.

[Adopted 71-042 §4.17 eff 3/31/71]

530.700 Determination of rates

(A) Upon recommendation by the Committee, the Board may:

(1) Approve and establish rates filed by applicants for franchises if it finds that such rates are not demonstratively unreasonable and are not substantially higher than those charged generally in the County under similar service requirements and for the same or similar quality of service or it may establish a different rate schedule.

(2) Establish uniform rates throughout the County or establish rates that are uniform within zones based upon the length of haul to disposal sites, concentration of customers and other factors which may, in the opinion of the Board, justify establishment of rate differentials.

(3) Establish rates for disposal sites that are uniform throughout the County or different rates for each site or class of sites.

(4) Increase or decrease rates based on the cost of doing business.

(5) Establish an interim rate until the Board makes a final determination on the rate for that type of service.

(B) In determining rates, the Committee and the Board shall make a finding that the rates will be just, fair, reasonable and sufficient to provide

proper service to the public. The Committee and the Board may consider rates charged by other persons performing the same or similar service in the same or other areas. The Committee and the Board shall give due consideration to:

(1) The investment in facilities and equipment.

(2) The services of management.

(3) Local wage scales.

(4) The concentration of customers in the area served.

(5) Methods of storage, collection, transportation and disposal, salvage, recycling or reuse.

(6) A reasonable return to the franchisee.

(7) The length of haul to disposal facilities.

(8) The cost of disposal.

(9) The use of transfer stations or transfer systems and the added costs.

(10) The cost of alternate methods of disposal.

(11) The future service demands of the service area or disposal site which must be anticipated in equipment, facilities, personnel or land.

(12) Extra charges for special pickups or pickups on days where service is not normally provided on a collection route.

(13) Extra charges where the type of character of waste or solid waste, including but not limited to, wastes with peculiarly offensive odors, requires special handling or service.

(14) Extra charges for providing janitorial services on the premises where service is provided.

(15) In addition, with respect to disposal sites, the type of site, whether the site is open to the public and hours, type of waste disposed of and method of disposal.

(16) Cost of compliance with laws, County Code or regulations and rules of public agencies or bodies having jurisdiction.

(17) Other factors which may, in the opinion of the Committee and the Board, necessarily affect the rates to be charged.

(C) The Board may require an investigation by the Committee of any proposed rates. For the purpose of making this investigation, the Administrator shall assist the Committee and the Committee is authorized to hold public hearings and to take and receive testimony. Upon completion of such an investigation, the Committee shall report the results of any public hearing, its findings and its recommendations to the Board.

[Adopted 71-042 §5.01 eff 3/31/71]

530.710 Rate preferences prohibited

(A) No franchises subject to rate regulation by this Chapter shall give any rate preference to any person, locality or type of solid waste stored, collected, transported or disposed.

(B) Nothing in this Section is intended to prevent:

(1) The reasonable establishment of uniform classes of rates based upon length of haul, type of solid waste stored, collected, transported or disposed of or the number, type and location of customers served or upon other factors as long as such rates are reasonably based upon costs of the particular service and are approved by the Board in the same manner as other rates.

(2) Any person from volunteering service at reduced cost for a charitable, community, civic or benevolent purpose.

[Adopted 71-042 §5.02 eff 3/31/71]

530.720 Responsibility for payment for charges for service

Any person who receives service shall be responsible for payment for such service.

[Adopted 71-042 §5.03 eff 3/31/71]

530.800 Agreements for joint franchising or planning

The Board may enter into agreements with any City or County for joint or regional franchising or collection or disposal service or planning for regional solid waste management.

[Adopted 71-042 §6.01 eff 3/31/71]

530.810 Agreements for allocation of franchise fees

The Board may enter into agreements with any City or County providing for the allocation of franchise fees where franchise service areas cross City or County boundaries.

[Adopted 71-042 §6.02 eff 3/31/71]

530.820 Appeals

All decisions of the Board under this Chapter shall be reviewable by the Circuit Court of the State of Oregon for the County of Linn.

[Adopted 71-042 §7.01 eff 3/31/71]

530.830 Appeals from decisions of the administrator

The Board may, upon its own motion or upon the request of an interested person or affected public agency or public body, review the decisions of the Administrator made pursuant to this Chapter and may uphold, modify, rescind or leave standing, the decision of the Administrator. For this purpose, the Board may request the recommendation of the Committee and the Board may uphold a public hearing with notice to interested persons, public agencies and public bodies.

[Adopted 71-042 §7.02 eff 3/31/71]

530.840 Abatement

(A) The accumulation, storage, collection, transportation or disposal of solid wastes by any person in violation of this Chapter or regulations promulgated thereunder is a nuisance and the Board or the District Attorney may, in addition to other remedies provided by law or by this Chapter, institute injunction, mandamus, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such storage, accumulation, collection, transportation or disposal.

(B) The provisions of this Section are in addition to and not in lieu of any criminal prosecution penalties provided by this Chapter or State law.

[Adopted 71-042 §7.03 eff 3/31/71]

530.930 Penalties

Violation of any of the provisions of this Chapter is a Class "A" infraction, and may be enforced pursuant to the Linn County Enforcement Chapter.

[Adopted 71-042 §7.04 eff 3/31/71; amd 88-536 §5 eff 10/12/88]

Statutory References and Authorities:

ORS 203; ORS chapter 459; OAR

Legislative History of Chapter 530:

Adopted 71-042 eff 3/31/71

Amendments to 71-042 and LCC 6.10:

- #1 82-038 eff 3/3/82
 - #2 82-176 eff 8/24/82
 - #3 83-170 eff 9/6/83
 - #4 83-460 eff 1/1/84
 - #5 84-128 eff 3/28/84
 - #6 88-536 eff 10/12/88
 - #7 95-177 eff 5/10/95 (renumbering)
 - #8 03-335 §1 eff 9/10/03
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RESOLUTION NO. 2 FOR 2017

A RESOLUTION AMENDING THE BYLAWS FOR THE SWEET HOME YOUTH ADVISORY COUNCIL.

WHEREAS, the Sweet Home Youth Advisory Council in accordance with its current bylaws, has requested a change to the existing bylaws; and


WHEREAS, the Youth Advisory Council believes these changes will affect further participation by the youth of the Sweet Home Community; and

WHEREAS, full and diverse representation and participation in the Youth Advisory Council is a desired goal of the City of Sweet Home.

NOW, THEREFORE, BE IT RESOLVED that the Sweet Home City Council hereby amends the Bylaws of the Sweet Home Youth Advisory Council and adopts the amended Bylaws as attached.

This Resolution amends Resolution No. 5 for 2014, and shall be effective immediately upon its passage.

PASSED by the Council and approved by the Mayor this 24th day of January 2017.



Mayor

ATTEST:



City Manager – Ex Officio City Recorder



YOUTH ADVISORY COUNCIL CHARTER

PURPOSES:

1. To provide an opportunity for the youth of Sweet Home to acquire a greater knowledge of and appreciation for the political system through active participation in the system.
2. To help the Mayor, City Council and City Staff solve the problems and accomplish the goals of this community by working directly with the representatives of the youth.
3. To serve the youth of the Sweet Home area by:
 - a. Informing the City of Sweet Home of the needs and wishes of the youth.
 - b. Planning and implementing social, educational, cultural and recreational activities for the youth.
 - c. Working with the Mayor, City Council, City Department Heads, Schools, Chamber of Commerce, Civic Clubs and Service Organizations to provide service and leadership opportunities for the youth of the City.
 - d. To instill a feeling of positive self worth and esteem.
 - e. To teach respect for the rights and property of others.
 - f. To promote community pride and to eliminate potential negative influences among our future community leaders.

Adopted: March 9, 2004



**CITY OF SWEET HOME
YOUTH ADVISORY COUNCIL
BYLAWS**

Amended January 24, 2017~~28~~, 2014

The purpose of the Sweet Home Youth Advisory Council:

- Advise the Sweet Home City Council on issues that affect youth in our community
- Provide the primary communication link for youth to government, business and the entire community on a variety of subjects and opportunities
- Identify and advocate the needs of youth in our community
- Identify and carry out events and activities for the community which are important to youth

Areas of interest that have been identified by the Council include:

- Youth and government communicating and working together
- Youth learning about government on a first-hand basis
- Joint meeting with the City Council, the School Board, the Chamber of Commerce, Service Clubs and Religious Groups
- Joint events between youth, the City and other organizations in the community
- Opportunities for community service

1. Principles:

a. We:

- i. Are strongly committed to our purpose and goals
- ii. Represent a variety of youth perspectives
- iii. Reach the community through our actions and our actions are directly related to what is important to youth
- iv. Are a catalyst, bringing together youth and adults to create a better community for everyone
- v. Are leaders

b. We believe:

- i. Everyone in the community deserves to be heard and respected
- ii. Youth have a responsibility for making decisions which affect them and their community
- iii. Youth can make a difference
- iv. Our work must make an impact in the community

c. We will:

- i. Actively seek to engage youth in our work
- ii. Strive to raise community awareness of youth issues
- iii. Advocate youth participation in the community
- iv. Represent youth by their strengths rather than their struggles
- v. Advocate for youth and their concerns

2. Structure:

- a. The Sweet Home Youth Advisory Council shall consist of 7 members as follows:

High School Grades 9 – 12	2 positions, (1) 1 year term, (1) 2 year term
Junior High Grades 7-8	2 positions, (1) 1 year term, (1) 2 year term
At large Grades 7 – 12	3 positions, (3) 1 year term

- b. Application and Appointment Procedures

Applications will be solicited annually beginning in April-September of each year, based upon terms available for the upcoming year.

- c. All prospective YAC members are required to attend a mandatory pre-appointment orientation with a parent or legal guardian to be considered further for appointment.

- d. Prospective YAC Members will be interviewed by City Council members

- e. City Council members will recommend appointments to the vacant terms accordingly.

- f. The YAC shall select at the first regular YAC meeting each year the following officers with stated duties as follows:

i. Chair

1. Preside over and conduct regular meetings
2. Attend monthly and report to the City Council on matters of interest of the YAC

ii. Vice Chair

1. In the absence of the Chair, preside over and conduct regular and special meetings
2. In the absence of the Chair, attend monthly and report to the City Council on matters of interest to the YAC

iii. Secretary

1. Assist in preparation and maintenance of YAC meeting records
2. Maintain attendance records of YAC members

iii. Activities Coordinator

1. Coordinate activity and event committees

iv. Treasurer

1. Maintain financial records and report financial status to the YAC
2. Assist with development of the YAC budget and present same to City Budget Committee

- g. The YAC year shall ~~begin~~ begin September 1, and run until August 31. ~~July 1, and run until June 30.~~
- i. Regular meetings shall occur monthly on the third Tuesday of each month
 - ii. Special meetings may be called at any time by at least two members of the Youth Advisory Council.
 - iii. ~~ii~~ Meetings will be held in City of Sweet Home City Hall or other locations as determined by the YAC.

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3. Election of Officers and Members:

- a. The YAC shall elect the officers from the current YAC members at the first regular meeting in October ~~July~~ for the coming year
- b. Applications for YAC membership shall be made available during the first week in April
 - i. If a vacancy occurs midterm, the YAC Board and City Council shall appoint a member to fill the vacancy

4. Attendance Requirements:

- a. Three absences without notice to the YAC Chair, or to the assigned City Council representative in case of absences by the YAC Chair, will subject the member to removal from the YAC by the City Council.
- b. The Chair, Vice Chair or other appointed YAC member will attend the second meeting of the City Council each month to report on activities of the YAC to the City Council.
- c. YAC members may be assigned to attend various city meetings and report back on same.
- d. YAC members shall make a good faith effort to attend any/all special events or activities as sponsored or endorsed by the YAC.

5. Rules of Procedure:

- a. Regular Meetings shall use basic Parliamentary procedure
 - i. Members shall respect and encourage various points of view and all members of the YAC will have an equal voice and vote
 - ii. Members shall seek consensus on issues whenever practicable
- b. A quorum of over 50% of the filled positions shall be present in order for the Council to take formal action or make recommendations to the City Council.

- c. YAC meetings are open to the Public and youth of the community are especially encouraged to attend and participate.

Sweet Home YAC Amended Bylaws
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6. Administrative Support

City Council:

The Mayor and/or an appointed City Council member shall attend all regular YAC meetings

City Administration:

The City Manager and/or his/her designee shall attend and provide administrative support to the YAC

Financial Support:

The City shall consider funding for YAC activities and programs as part of the City's annual budgeting process.

| YAC Bylaws – Amended January 28, 2014, 2017