

Dallas City Council Agenda

Page 2

Our Vision

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

Our Mission

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

Our Motto

*Commitment to the Community.
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

10. FIRST READING OF ORDINANCE

- | | |
|---|---------------|
| a. <u>Ordinance No. 1715</u> : An Ordinance establishing Street Maintenance Fee. p. 25 | First Reading |
| b. <u>Ordinance No. 1716</u> : An Ordinance amending provisions of the Dallas City Code Section 8.110; and adding new provisions, relating to State Building Code violations. p. 34 | First Reading |

11. SECOND READING OF ORDINANCE

- | | |
|---|----------------|
| a. <u>Ordinance No. 1709</u> : An Ordinance amending Dallas City Code Section 2.995, relating to Dallas Development Commission, Urban Renewal Agency. p. 41 | Second Reading |
| b. <u>Ordinance No. 1710</u> : An Ordinance adopting the amended and restated Dallas Development Code; amending Dallas City Code Section 9.700; repealing the January 5, 2000 Dallas Development Code, as amended and updated January 22, 2002 and May 7, 2007; and repealing conflicting ordinances and Dallas City Code provisions. p. 42 | Second Reading |
| c. <u>Ordinance No. 1711</u> : An Ordinance amending the Dallas Zoning Map; and repealing the current Dallas Zoning Map. p. 45 | Second Reading |
| d. <u>Ordinance No. 1712</u> : An Ordinance amending the Dallas Comprehensive Plan Map; and repealing the current Dallas Comprehensive Plan Map. p. 48 | Second Reading |
| e. <u>Ordinance No. 1713</u> : An Ordinance amending the Dallas Comprehensive Plan; and amending Dallas City Code Section 9.600; and repealing prior conflicting ordinances. p. 50 | Second Reading |
| f. <u>Ordinance No. 1714</u> : An Ordinance amending provisions of the Dallas City Code Sections 3.804, 3.806, 3.808 and 3.814, relating to street trees; and repealing prior conflicting ordinances. p. 54 | Second Reading |

12. OTHER BUSINESS

13. ADJOURNMENT

DALLAS CITY COUNCIL
Monday, December 7, 2009
Council Chambers

1
2
3

4 The Dallas City Council met in regular session on Monday, December 7, 2009, at 7:00 p.m. in
5 the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

6 **ROLL CALL**

7 Council members present: Council President Brian Dalton, Councilor Warren Lamb, Councilor
8 Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson
9 and Councilor Ken Woods, Jr., Excused were Councilor Jackie Lawson and Councilor Dave
10 Voves.

11 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City
12 Manager Kim Marr, Community Development Director Jason Locke, Fire Chief Bill Hahn,
13 Police Chief John Teague, Finance Director Cecilia Ward, and Public Works Director Fred
14 Braun.

15 **PLEDGE OF ALLEGIANCE TO THE FLAG**

16 Mayor Fairchild led the Pledge of Allegiance to the Flag.

17 **APPROVAL OF MINUTES**

18 Mayor Fairchild declared the minutes of the November 16, 2009, Council meeting approved as
19 presented.

20 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

21 Mayor Fairchild asked for comments or questions from the audience regarding street fees. Steve
22 Mannenbach, residing at 15380 W. Ellendale Road, spoke regarding his commercial building at
23 133 SW Academy Street. Mr. Mannenbach stated he is against raising fees by resolution and
24 commented on the provision about the issuance of a building permit triggering the street
25 maintenance fee. Mr. Mannenbach also spoke about the fees on vacant buildings.

26 Henry Hammond, residing at 1143 SW Birch Street, addressed the council regarding the fees
27 being based on water bills and was concerned that dwellings on wells would not be paying.
28 Mayor Fairchild responded that residents inside the City are not on wells. Mr. Hammond also
29 voiced his concern about the school district as one entity paying only one (1) fee. Mr. Hammond
30 was advised by City Attorney, Lane Shetterly that the fee is based on each building by utility
31 bill.

32 Mayor Fairchild called for other speakers to address the Council. There were none.

33 **PUBLIC HEARINGS**

34 There were none.

35 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

36 Councilor Woods reported on the Administrative Committee meeting that was held on Monday,
37 November 23, 2009. He stated that the Committee discussed City Park hours and a smoking
38 policy for the Park, an ordinance to rename the Dallas Development Commission, the Public
39 Access Channel, timeline for new software in the Finance office, and the Aquatic Center. They
40 also discussed Zachary Odegard, a youth citizen of Dallas, and his plan for placing yellow
41 ribbons along Main Street in honor of the 162nd Engineering Company. Councilor Woods made
42 a motion for Zachary Odegard to begin this project. The motion was seconded by Councilor
43 Lamb and CARRIED UNANIMOUSLY.

44 Zachary Odegard and Sierra McBeth presented their plan for placing yellow ribbons on Main
45 Street. Councilor Wilson and Councilor Lamb commended these two young people for their
46 commitment and dedication and leadership through 4-H.

47 Councilor Lamb sat as Chair for Councilor Wilson on the Public Safety Committee. Chief
48 Teague stated that crime reports are available on line now. Enforcement grants, cross walks, and

1 two full time detectives for the Police Department were discussed. Mr. Lamb reported on the
2 importance of the Fire Departments volunteers. City Manager Jerry Wyatt reported on the Street
3 Maintenance Fee Ordinance. City Attorney Lane Shetterly discussed the draft of the Street Fee
4 Ordinance with the City Council Members.

5 Mr. Wyatt stated the City has received the population estimate from Portland State which is
6 15,445.

7 Finance Director Cecilia Ward advised the council regarding the status of the new software
8 system update and conversion.

9 **RESOLUTIONS**

10 There were none.

11 **FIRST READING OF ORDINANCE**

12 Mayor Fairchild declared the first reading of ordinance 1709 passed.

13 Mayor Fairchild declared the first reading of ordinance 1710 passed.

14 Mayor Fairchild declared the first reading of ordinance 1711 passed.

15 Mayor Fairchild declared the first reading of ordinance 1712 passed.

16 Mayor Fairchild declared the first reading of ordinance 1713 passed.

17 Mayor Fairchild declared the first reading of ordinance 1714 passed.

18 All the above referenced ordinances will be scheduled on the agenda at the next Council Meeting
19 for the second reading and final passage.

20 **OTHER BUSINESS**

21 Councilor Lamb reported that the Dallas Volunteer Fire Members donated \$600.00 to Christmas
22 Cheer. The fire members also donated an additional \$800.00 to Christmas Cheer for various
23 men shaving their heads and facial hair. Mr. Lamb informed the Council that there are 220
24 families being helped by Christmas Cheer.

25 There being no further business, the meeting adjourned at 8:15 p.m.

26 Read and approved this _____ day of _____ 2009.

27 _____
28 _____
29 **Mayor**

30 **ATTEST:**

31 _____
32 **City Manager**

Administrative Committee
Monday, December 14, 2009

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Members Present: Chair Ken Woods, Jr., Brian Dalton, Warren Lamb, Jackie Lawson and LaVonne Wilson.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Finance Director Cecilia Ward, and Recording Secretary Joanne Ballweber.

Chair Woods called the meeting to order at 4:02 p.m.

2008/09 Audit

City Manager Jerry Wyatt reported on the 2008/09 audit. Mr. Wyatt advised the Committee, the auditors were very detailed compared to past years. He added the City has filed for an extension due to software problems.

2009/10 Six Month Budget Review Preparation

Mr. Wyatt stated that the General Fund Revenues will be lower than projected. He discussed the major reasons for this reduction. Mr. Wyatt added the General Fund will be tracked closely.

2009 Major Accomplishments

Mr. Wyatt advised the Committee on the 2009 major accomplishments.

2009/10 Mid Year Report

Mr. Wyatt spoke regarding the projected revenues. He discussed where they were coming from and what they will be used for.

2010/11 Budget Documentation Preparation

Mr. Wyatt and the Committee discussed future projects for the City of Dallas. There were suggestions made on which projects and why they would be beneficial for the City.

There was no other business and the meeting was adjourned at 4:52 p.m.

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 c	Topic: Building Dept. Penalty Enforcement
Prepared By: Emily Gagner	Meeting Date: December 21, 2009	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approve the draft Ordinance for first reading that enforces the provisions of SB 915.

BACKGROUND:

The provisions of Senate Bill 915 (2009) will take effect on January 1, 2010. This legislation affects any municipality that administers a building inspection program under ORS 455.148 or 455.150.

The following is a summary of Senate Bill 915 adapted from information provided by the Oregon Building Codes Division (BCD) and League staff:

- Senate Bill 915 establishes procedures for local jurisdictions to follow when issuing monetary penalties for building code violations;
- The bill restricts a municipality’s monetary penalties for violations of the state building code to civil penalties.
- Cities may no longer issue citations to municipal court for building code violations;
- Municipalities must provide notice to the individual or company before assessing a civil penalty for a violation under a building inspection program. The notice must describe the alleged violation, including citation to the relevant code or ordinance (write it, cite it), and the amount of the proposed penalty;
- The notice must also state that the individual or company has the right to challenge the proposed penalty and inform them of the method and the relevant timelines for challenging it;
- The bill limits municipal civil penalties to those established in statute already (ORS 455.895): \$5,000 for a single violation or \$1,000 a day for a continuing violation;
- The bill does not restrict municipalities from assessing a “double permit” or investigation fee for failure to obtain a permit;
- The bill also does not restrict a municipality from seeking an injunction or other non-monetary penalties;

- Under the bill, a municipality must have an administrative method for challenging the civil penalty. The process could involve challenging the assessed penalty before an individual, other than the building official, a department, or another body that is not a court of law; and
- A municipality may adopt or raise fees to cover the costs of providing notice and the opportunity to challenge a penalty in accordance with established notice requirements (ORS 455.210).

FISCAL IMPACT:

None

ATTACHMENTS:

Draft Ordinance



The provisions of Senate Bill 915 (2009) will take effect on January 1, 2010. This legislation affects any municipality that administers a building inspection program under ORS 455.148 or 455.150.

The following is a summary of Senate Bill 915 adapted from information provided by the Oregon Building Codes Division (BCD) and League staff:

- Senate Bill 915 establishes procedures for local jurisdictions to follow when issuing monetary penalties for building code violations;
- The bill restricts a municipality's monetary penalties for violations of the state building code to civil penalties. Cities may no longer issue citations to municipal court for building code violations;
- Municipalities must provide notice to the individual or company before assessing a civil penalty for a violation under a building inspection program. The notice must describe the alleged violation, including citation to the relevant code or ordinance (write it, cite it), and the amount of the proposed penalty;
- The notice must also state that the individual or company has the right to challenge the proposed penalty and inform them of the method and the relevant timelines for challenging it;
- The bill limits municipal civil penalties to those established in statute already (ORS 455.895): \$5,000 for a single violation or \$1,000 a day for a continuing violation;
- The bill does not restrict municipalities from assessing a "double permit" or investigation fee for failure to obtain a permit;
- The bill also does not restrict a municipality from seeking an injunction or other non-monetary penalties;
- Under the bill, a municipality must have an administrative method for challenging the civil penalty. The process could involve challenging the assessed penalty before an individual, other than the building official, a department, or another body that is not a court of law; and
- A municipality may adopt or raise fees to cover the costs of providing notice and the opportunity to challenge a penalty in accordance with established notice requirements (ORS 455.210).

Jurisdictions developing an enforcement plan under this bill do not require BCD's approval, although such plans might require a change in a city's operating plan adopted pursuant to OAR 918-020-0080.

The League has drafted a model ordinance that cities can adopt to comply with the requirements of Senate Bill 915. The model ordinance is intended to become a part of your existing building code. Accordingly, should a city choose to adopt this model ordinance, it will need to amend both existing law and the model ordinance to provide conformity in the language of each. For example, if local law currently makes it an infraction to violate your building code, a city will need to delete that language from its code and amend section one of the model ordinance to conform to the other existing provisions of its building code. In addition, language in italics in the model ordinance will need to be changed to conform to a local code and/or a city's preferences. Finally, the model code does not increase fees to cover the costs of complying with SB 915. Cities will need to do that separately if they so choose.

The League of Oregon Cities would like to thank the Beaverton city attorney's office and the law firm of Jordan, Schrader Ramis for their generous assistance with this project. The model ordinance is largely based on an ordinance originally drafted by the Beaverton city attorney's office.

Section 1.xx.xxx. Violations; Penalties; Remedies.

A. No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this code.

B. Violation of a provision of this ordinance shall be subject to an administrative civil penalty not to exceed [*amount selected by City*] and shall be processed in accordance with the procedures set forth in this code.

C. Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

D. In addition to the above penalties, a condition caused or permitted to exist in violation of this ordinance is a public nuisance and may be abated by any of the procedures set forth under law.

E. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute or law.

Comment: the civil penalty amount selected by the City may not exceed the amount set forth in ORS 455.895 , which is currently \$5,000 for a single violation or \$1,000 for continuing violations.

Sec. 2.xx.xxx. Building Official: Authority to Impose Administrative Civil Penalty.

A. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (A) to (K) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

B. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

C. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be [*not less than five calendar days*].

D. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to

whom an order to correct was issued.

E. Notwithstanding subsections (B) and (C), the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

F. In imposing an administrative civil penalty authorized by this section, the building official shall consider:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
2. Any prior violations of statutes, rules, orders, and permits;
3. The gravity and magnitude of the violation;
4. Whether the violation was repeated or continuous;
5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
6. The violator's cooperativeness and efforts to correct the violation; and
7. Any relevant rule of the building official.

G. Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

1. Reference to the particular code provision, ordinance number, or rule involved;
2. A short and plain statement of the matters asserted or charged;
3. A statement of the amount of the penalty or penalties imposed;
4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (E), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
5. A statement of the party's right to appeal the civil penalty to the [*decision-maker*]

of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...]; a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.

H. Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*]. [*If you permit the use of a designee, insert the following language*] The [*decision-maker's*] designee shall not be the building official or building inspector. The provisions of Section 3.xx.xxx of this code shall govern any requested appeal.

I. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] pursuant to, and within the time limits established by, Section 3.xx.xxx.

J. Each day the violator fails to remedy the code violation shall constitute a separate violation.

K. The civil administrative penalty authorized by this section shall be in addition to: (1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and (2) Any other actions authorized by law [*add the following if your City has a Municipal Court*], provided that the City shall not issue a citation to Municipal Court for a violation of this Chapter.

Comment: The decision-maker of the City's choosing under this section may not be the City's building inspector, building official or a court of law. The time periods listed in this model ordinance are suggestions only and may be changed to suit your preferences.

Sec. 3.xx.xxx. Appeal Procedures.

A. A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within [*15 days*] after the date of notice of the action, appeal in writing to the building official. The written appeal shall be accompanied by a [*\$xxx*] appeal fee and shall include:

1. The name and address of the appellant;
2. The nature of the determination being appealed;

3. The reason the determination is incorrect; and
4. What the correct determination of the appeal should be.

If a person, firm, corporation or other entity however organized appeals a civil penalty to the [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*], the penalty shall become final, if at all, upon issuance of the [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] decision affirming the imposition of the administrative civil penalty.

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

C. Unless the appellant and the City agree to a longer period, an appeal shall be heard by [*whoever the City chooses, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] within [*30 days*] of the receipt of the notice of intent to appeal. At least [*10 days*] prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

D. The [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.

E. The [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] shall issue a written decision within [*10 days*] of the hearing date. The written decision of the [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] is final.

F. Other than as provided in this subsection, the appeal fee is not refundable. The [*decision-maker of the City's choosing, such as the Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...*] may make a determination on the motion of the appellant that the appeal fee shall be refunded to the appellant upon a finding by the [*decision-maker of the City's choosing, such as the*

Mayor or Mayor's designee; the City Manager or the Manager's designee; the Board of Appeals, etc...] that the appeal was not frivolous.

G. Failure to pay a penalty imposed hereunder within [*ten days*] after the penalty becomes final as provided in subsection (A) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by section 4.xx.xxx, other provisions of this code, or state statutes.

Comment: The decision-maker of the City's choosing under this section may not be the City's building inspector, building official or a court of law. The time periods listed in this model ordinance are suggestions only and may be changed to suit your preferences.

Sec. 4.xx.xxx. Unpaid Penalties

A. Failure to pay an administrative penalty imposed pursuant to this code within [*ten days*] after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (B) below, other provisions of this code, or state statutes.

B. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid *30 days* after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien [*in the docket of City liens*]. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in [*the docket of City liens*]. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

C. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

Comment: The time periods listed in this model ordinance are suggestions only and may be changed to suit your preferences.

COMMUNITY DEVELOPMENT

City Manager	Jerry Wyatt	Building Official	Ted Cuno
Director	Jason Locke	Building Inspector	Troy Skinner
Assistant	Joanne Ballweber	Planner	John Swanson
Building & Grounds	Ken Stoller	Code Enforcement	Ed Totten

NOVEMBER 2009 Monthly Report - Planning, Building, Code Enforcement

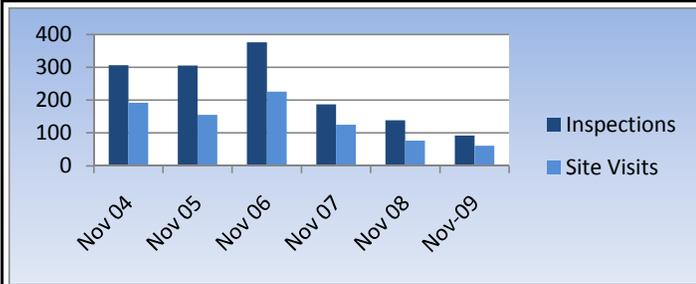
REVENUES		Month	Fiscal YTD
Planning	Nov-09	\$ 250	\$ 3,515
Building	Nov-09	\$ 1,657	\$ 34,635

LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Street Plan	Annexation	Zone Change
Nov-09	0	0	0	0	0	0	0	0	0
YTD 2009	8	6	1	0	0	1	0	1	0
11/31/2008	0	0	0	0	0	1	0	0	0
YTD 2008	13	8	4	4	5	1	0	0	1

INSPECTIONS AND SITE VISITS

Monthly: Inspections - 92 Site Visits - 61
Year to Date: Inspections - 1497 Site Visits - 830



CODE ENFORCEMENT

Current Open Cases: 24

New Cases processed i in November

6.505 Abandoned Vehicles	6
6.32 Vehicles Stored on Street	12
5.584 Vehicles Stored on Prop	11
5.582 Junk	0
5.556 Scattering Rubbish	2
5.588 Graffiti	2
Other Ordinances	6

Number of Followups

Number of Parking Citations

BUILDING PERMIT SUMMARY

Permit Use	Nov-09	Nov-08	YTD Total 2009	Annual Total 2008	YTD Valuation 2009	Annual Valuation 2008
New Single Family	0	1	11	30	\$2,229,061	\$5,896,612
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	1	1	3,759,944	390,000
Residential Remodel	3	2	44	58	1,025,311	1,652,102
Residential Accessory Building	1	0	9	4	175,621	59,891
New Commercial	0	0	4	15	35,880	4,283,623
Commercial Remodel	2	1	37	46	1,323,042	982,441
New Industrial	0	0	1	1	46,503	1,302,945
Industrial Remodel	0	0	0	0	0	0
Public Building	0	1	4	6	73,853	1,627,415
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
Total All Categories	6	5	111	161	8,669,215.00	\$16,195,028

DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

November 2009 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
	Nov-09	\$22,229
	Nov-08	\$25,688

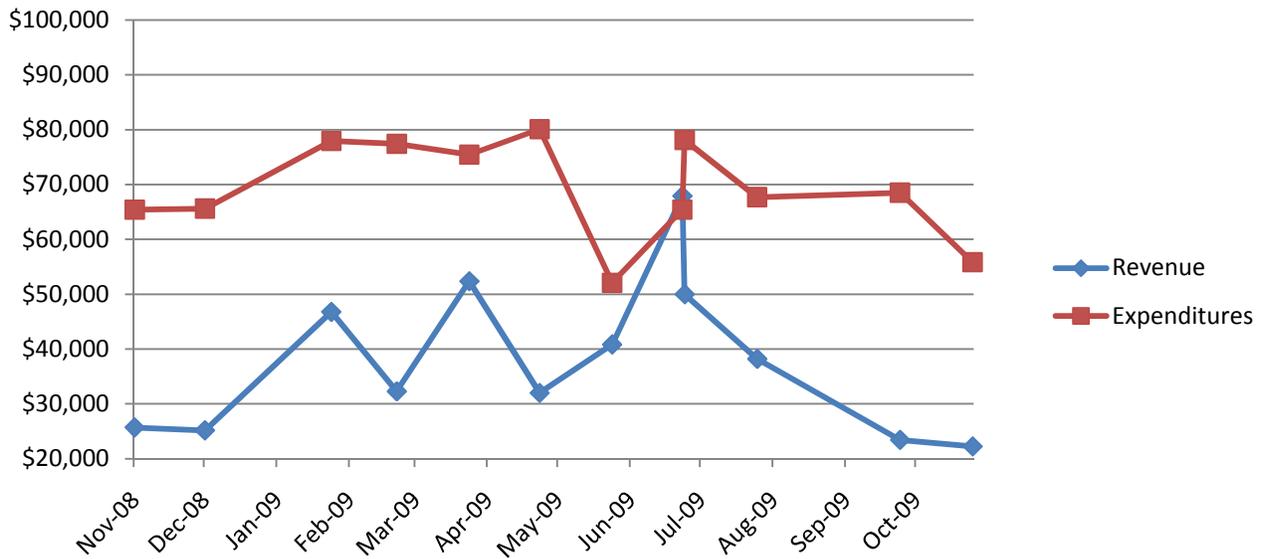
Current Members:	
Annual	812
3-month Water Aerobics	28

EXPENDITURES	Month	Fiscal YTD
	Nov-09	\$55,854
	Nov-08	\$65,429

Monthly Attendance:	
November	7,799
Fiscal YTD	41,630

Utility Costs:	Nov-09	Fiscal YTD
Natural Gas	\$7,569	\$30,838
Electricity	\$5,035	\$27,625

R/E Ratio = 51.8%
 (Revenue/Expenditure)



**Dallas Public Library
Monthly Report for November 2009**

Circulation Statistics

Adult	Nov 2009	Nov 2008	Children	Nov 2009	Nov 2008
Print Materials	6340	6488	Print Materials	2511	2469
Books on Tape/CD	478	593	Books on Tape/CD	137	161
AV Materials	1155	1150	AV Materials	806	877
Misc. items	805	874			
2009 Year to Date 111,739			2009 Year to Date 41,819		
Remote Renewals 1006			2009 Year to Date 9987		
Combined Total 163,545					

Additional Activity

	Nov 2009	Nov 2008	Year to Date 2009
Non-Resident User Fees	\$ 250.00	\$ 290.00	\$ 6440.00
Fines Collected	\$ 842.74	\$ 638.64	\$ 8104.49
Photocopies	\$ 111.42	\$ 67.46	\$ 1045.88
Reference Questions	939	926	12,018
Volunteer Hours	307.5	251.25	3028.5

Registered Patrons – November 2009

City Residents		Non-Resident – Fee Paid		Non-Resident - Restricted	
Adult	5449	Adult	345	Adult	1212
Child	1361	Child	56	Child	372
YA (12-17)	421	YA (12-17)	29	YA (12-17)	159
Total	7231	Total Fee	430	Kids C.A.R.E.	456
				Total Restricted	2199
Non-Resident Total 2629					
Total Registered Patrons 9860					

Fall sessions of both Infant/Toddler and Preschool Storytimes continue to be popular with children, with 186 attendees during November. In addition, with 6 young readers participating in the Read to the Dog program, and 52 attending a craft program, we have a total of 244 children visiting the Library and participating in these fun and exciting events.

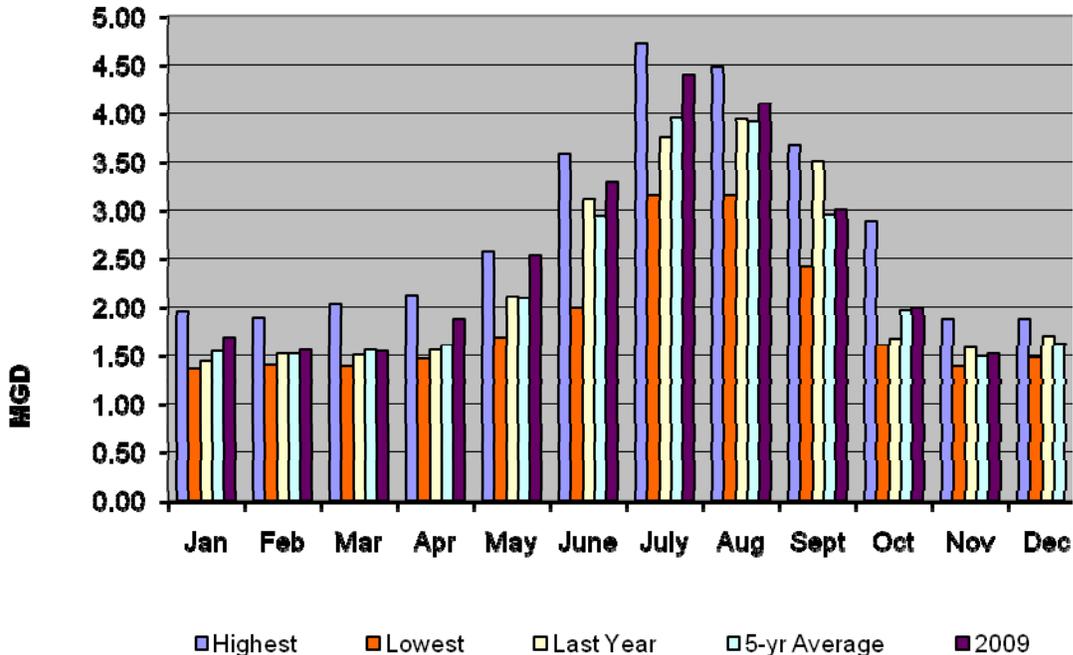
DEPARTMENT OF PUBLIC WORKS

Monthly Report for November 2009

Water Division

	<u>2009</u>	<u>Unit</u>		<u>2008</u>	<u>Unit</u>
Total Discharge to Town	45.67	MG		51.75	MG
Total Water Raw	48.73	MG		51.99	MG
Peak Day	(Nov. 12) 2.08	MG	(Nov. 26)	2.06	MG
Daily Average-Raw	1.62	MGD		1.73	MGD
Daily Average-City	1.52	MGD		1.73	MGD
Backwash Water	2.7	MG		4.11	MG
Filter to Waste	.17	MG		1.25	MG
Flushing	0	MG		0	MG
Discharge Water	.10	MG		.10	MG
ASR Injection	0	MG		0	MG
Average High Temp	54 °	F		54 °	F
Average Low Temp	39 °	F		41 °	F
Total Precipitation	8.02	Inches		3.62	Inches

Average Daily Treated Water Production

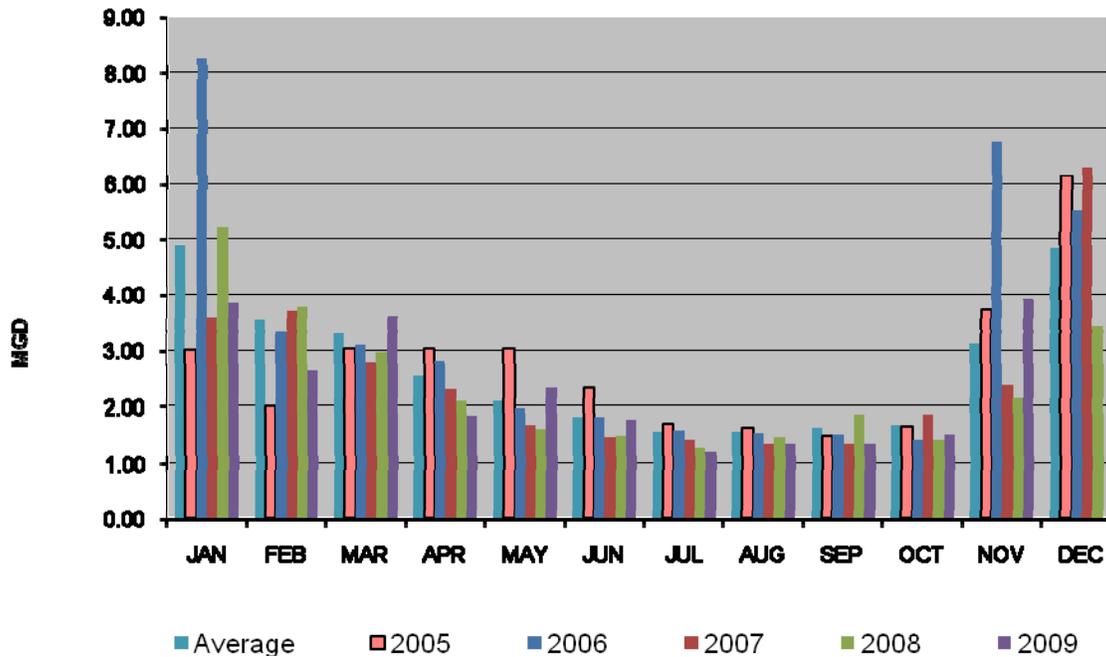


Wastewater Division

Effluent Flow

		<u>2009 Units</u>		<u>2008 Units</u>	
Monthly Total Flow		117.57	MG	64.38	MG
Peak Day Flow	(Nov. 22)	7.30	MG	(Nov. 12)	4.04 MG
Daily Average Flow		3.92	MG	2.15	MG

Effluent - Average Daily Discharge by Month



Plant Maintenance

- ✓ Conducted annual maintenance to Bank B of the UV system. Changed lamps, seals, and ballasts.
- ✓ Prepared plant for cold weather.
- ✓ Monthly PM(preventative maintenance) completed.

Plant Performance

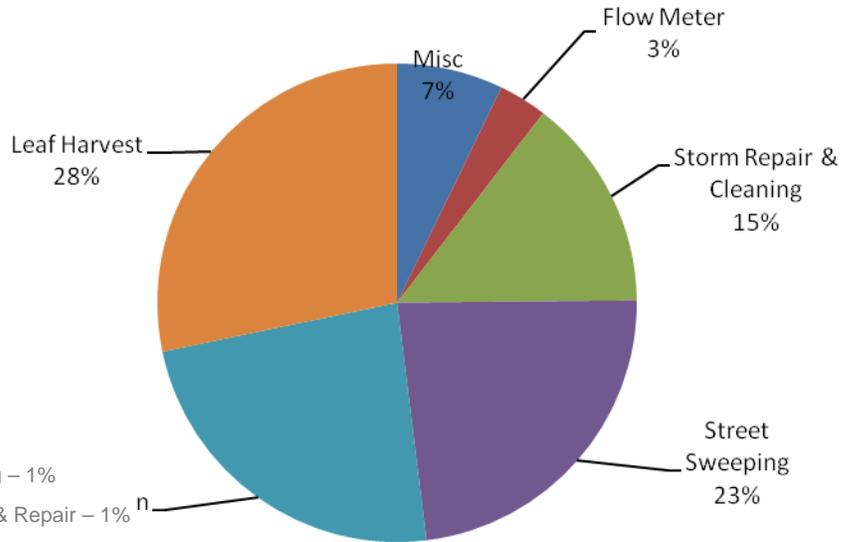
The plant met all permit parameters.

Parks

The Parks department provided the following routine services:

- ✓ Weed shrub beds and landscape areas
- ✓ Performed monthly safety check of playground equipment on November 20
- ✓ Bring in park tables for winter storage
- ✓ Mulch or accumulate leaves from lawn areas
- ✓ Removed leaves from trails
- ✓ Cancel garbage service winter (on call only)
- ✓ Prune or remove trees
- ✓ Pick up fallen limbs
- ✓ Prune shrubs
- ✓ Winter table maintenance and equipment repairs
- ✓ Equipment service checked and/or repaired
- ✓ Removed leaves from park building roofs
- ✓ Blow leaves in downtown core area
- ✓ Installation of disc golf kiosk
- ✓ Repair irrigation in arboretum
- ✓ Planted two trees at Hong Kong Restaurant
- ✓ Installation of Senior Center sign

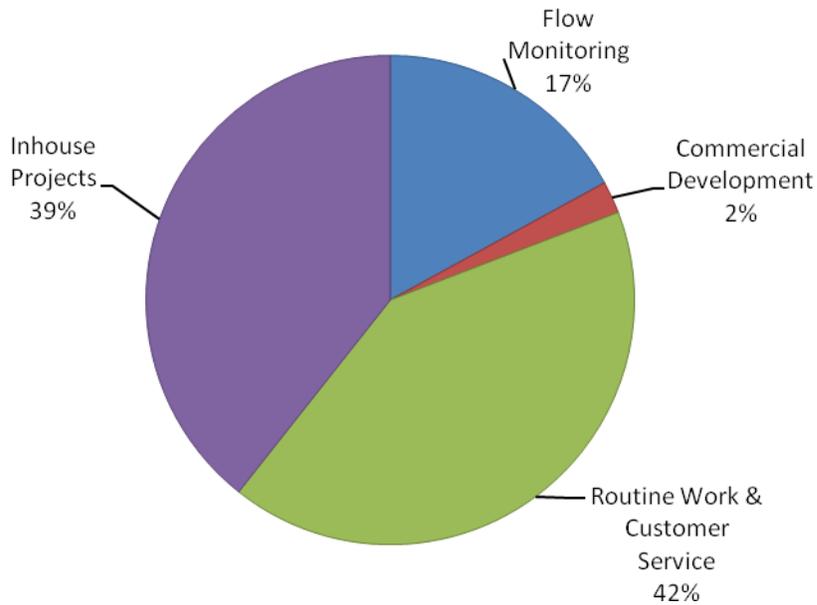
Street and Construction Division



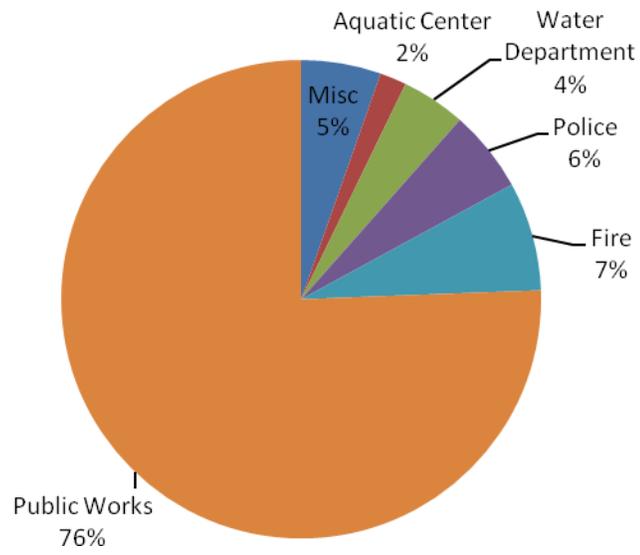
Misc Includes:

- Lift Stations - 1%
- Snow Removal/Sanding - 1%
- Sidewalk Maintenance & Repair - 1%
- Bldg & Grounds Maintenance - 1%
- Training - 1%
- Tree Trimming - 1%
- Street Painting - 1%

Engineering



Fleet Management



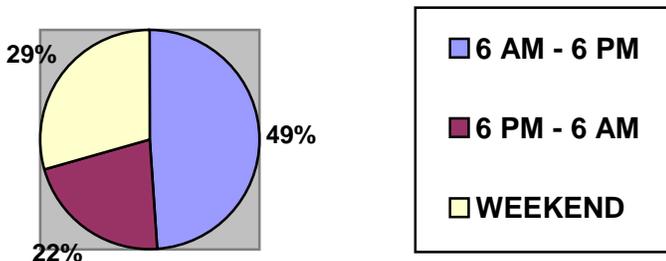
COUNCIL REPORT – NOVEMBER 2009

To: Mayor & City Council Members

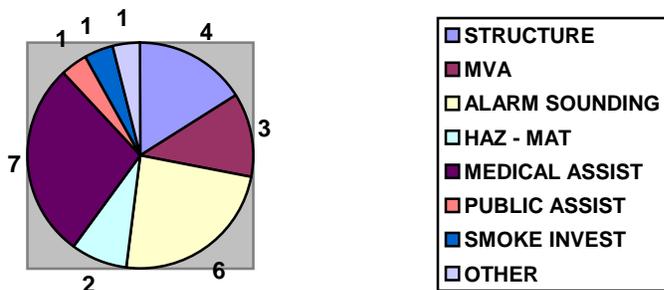
From: Fire Chief Bill Hahn

Dallas Fire Department:

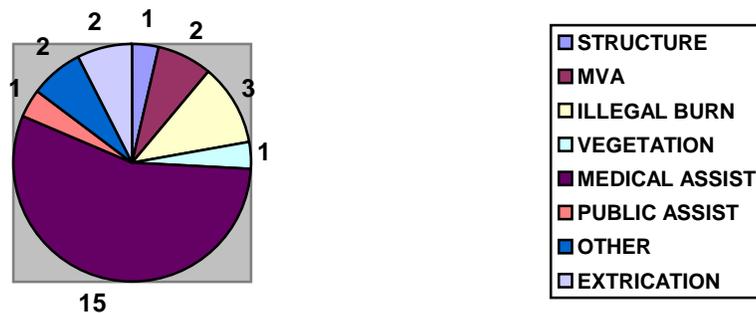
Station 100 responded to 52 calls of which 25 were between 6 AM – 6 PM, 11 between 6 PM – 6 AM and 16 during the weekend.



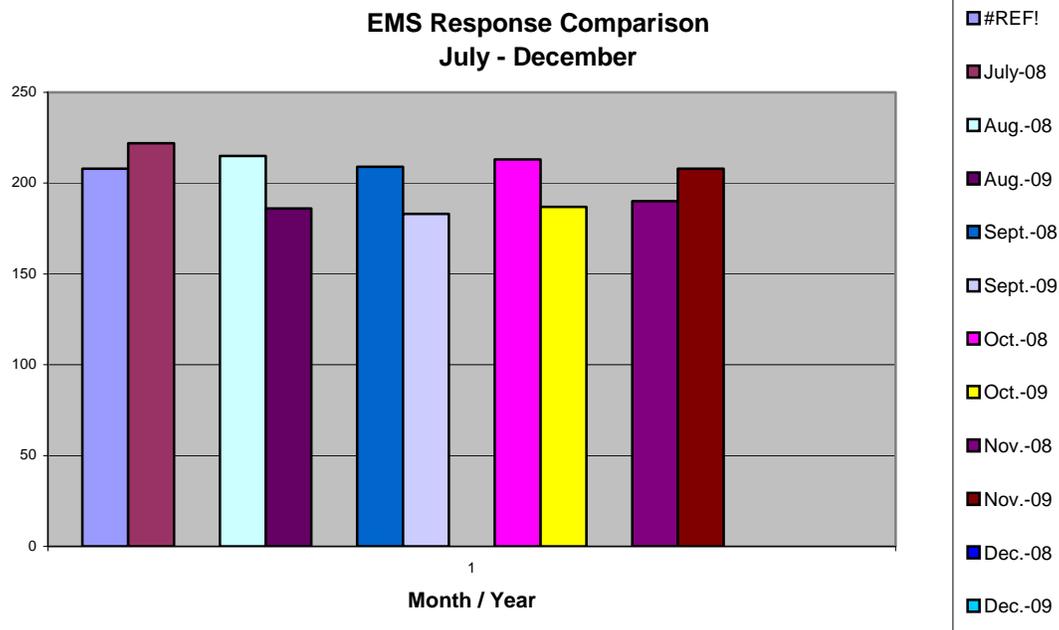
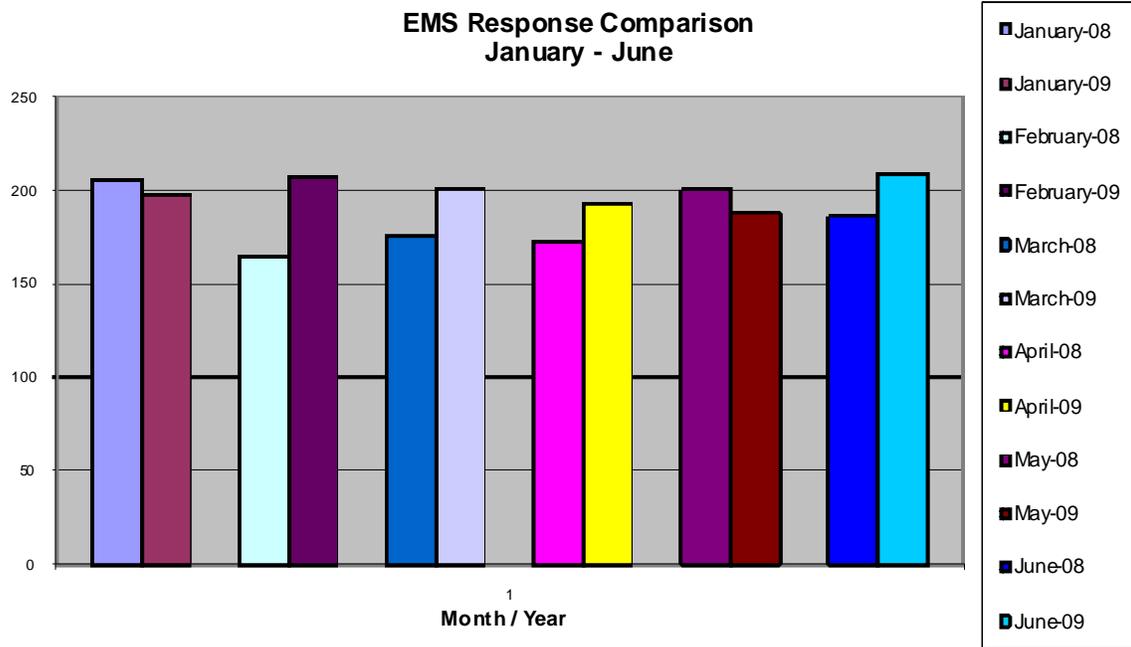
City Responded to the following incidents during the month from station 100.



Rural responses by station 110 during the month were for the following incidents.



Dallas Emergency Medical Service:



DALLAS POLICE DEPARTMENT

NOVEMBER 09

Investigations / Arrests

Animal Ordinance Offenses	Clear by Arr	11
Assaults	Clear by Arr	07
Carrying Concealed Weapon	Clear by Arr	01
Criminal Mischief	Clear by Arr	02
Disorderly Conduct	Clear by Arr	07
DWS	Clear by Arr	04
DUII	Clear by Arr	06
Driving While Suspended	Clear by Arr	04
Drug Offenses	Clear by Arr	03
Fail Carry Present License	Clear by Arr	02
Fail Install IID	Clear by Arr	01
Harassment	Clear by Arr	01
Hit & Run	Clear by Arr	01
Kidnapping	Clear by Arr	01
Misuse 911	Clear by Arr	02
Interference with Police	Clear by Arr	02
Menacing	Clear by Arr	01
Minor in Possession Alcohol	Clear by Arr	07
Ordinance Offense (Liquor)	Clear by Arr	01
Resisting Arrest	Clear by Arr	01
Runaway	Clear by Ref	04
Sex Offenses	Clear by Arr	03
Strangulation	Clear by Arr	01
Theft	Clear by Arr	02
Trespass	Clear by Arr	02
Unauthorized Use MV	Clear by Arr	01
Violation Restraining Order	Clear by Arr	01
Warrants	Clear by Arr	13

92 TOTAL ARRESTS

(NOV '08 Arrests: 103)

The following is a summary of traffic violations committed:

18	Speeding Violations
05	License Violation
10	Moving Violations
11	All Other

JUVENILES

Six juveniles were referred to juvenile authorities for their actions

TOTAL CALLS FOR SERVICE: 720 (Last yr: 807)

Incident Case No.'s 420

CAD Event Reports 300

ORDINANCE NO. 1715

An Ordinance Establishing a Street Maintenance Fee.

WHEREAS, the Dallas City Council finds that the City Street system is a substantial capital investment of public resources and a significant capital asset that requires an ongoing program of maintenance and repair to maintain it in good and safe condition, fit for the purposes that it was established; and

WHEREAS, failure to maintain and repair streets results in the accelerated deterioration of their condition, resulting in increased costs of repair and reconstruction; and

WHEREAS, funding sources that have historically provided for the maintenance and repair of City Streets are declining in real and relative terms and are inadequate to maintain the street system in good condition; and

WHEREAS, a well maintained City Street system is important to the quality of life and economic well-being of the City, and to the health, safety, and welfare of its residents;

WHEREAS, it is the intention of the Dallas City Council by the adoption of this ordinance to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of a well-maintained City Street system; NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS AS FOLLOWS:

Section 1. The following sections are adopted and added to Chapter 3 of the Dallas City Code:

3.900. Definitions.

For the purpose of Sections 3.900 through 3.910, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) City Street. A public residential, collector or arterial street within the city limits of the City of Dallas that is not a state highway or county road.

(2) Person. A natural person; unincorporated association; tenancy in common; partnership; corporation; limited liability company; cooperative; trust, any

governmental agency, including the State of Oregon but excluding the City of Dallas; and other entity in law or in fact.

(3) Responsible Party. The person owing the Street Maintenance Fee established under Sections 3.900 through 3.910.

(4) Non-Residential Unit. A structure or use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure which provides facilities for one or more businesses including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit.

(5) Residential Unit. A residential structure which provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, not as a nonresidential unit. An Ancillary Unit on a single-family parcel shall be considered as a separate residential unit. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units have each unit considered as a separate residential unit. Transient Lodging subject to the provisions of Sections 7.870 through 7.924 shall not be considered as a Residential Unit.

3.902 Imposition of Street Maintenance Fee.

(1) There is hereby created a Street Maintenance Fee.

(2) The Street Maintenance Fee shall be assessed in equal amount to each residential unit and to each non-residential unit as set forth in subsection (6), below. Billing for the Street Maintenance Fee shall be as a line item on the city's regular water and sewer bill.

(3) Except as otherwise provided in subsection (5), below, the obligation to pay a Street Maintenance Fee arises when a responsible party uses or otherwise benefits from Street Maintenance services. It is presumed that Street Maintenance services are used, and that a benefit arises, whenever the subject real property receives and is billed for city water and sewer service.

(4) All Residential and Non-Residential Units within the city limits that receive and are billed for city water and sewer service shall be charged the Street

Maintenance Fee.

(5) Properties not receiving billing statements for city water and sewer services shall not be charged a Street Maintenance Fee.

(6) The Street Maintenance Fee established in subsection (2), above, shall be assessed monthly as follows:

July 1, 2010 to June 30, 2011 -- \$2.50 per residential and nonresidential unit

July 1, 2011 to June 30, 2012 -- \$3.50 per residential and nonresidential unit

July 1, 2012 to June 30, 2013 -- \$4.50 per residential and nonresidential unit

July 1, 2013 to June 30, 2020 -- \$5.50 per residential and nonresidential unit

3.904. Dedication of Street Maintenance Fee Revenues.

All Street Maintenance Fee revenues derived shall be distinctly and clearly noted in both the revenue and expenditure sections of the city budget and shall be used for the maintenance and repair of City Streets and direct costs incidental thereto, and for no other purpose, in order to help provide for a safe, well-maintained City Street system. The Fees paid and collected by virtue of this ordinance shall not be used for general or other governmental or proprietary purposes of the City.

3.906. Collection.

(1) Street Maintenance Fees shall be collected monthly. Statements for the Fee shall be included as an additional item on the city monthly water and sewer utility billing.

(2) Unless another Responsible Person has agreed in writing to pay, and a copy of that writing is filed with the city, the persons responsible for paying the city's water and sewer utility charges are responsible for paying the Street Maintenance Fee, if the property is located within the city limits.

(3) A request for water or sewer service will automatically initiate appropriate billing for the Street Maintenance Fee.

(4) The imposition of the Street Maintenance Fee shall be calculated on the basis of the number of residential or non-residential units supported, without regard to the number of water meters serving a particular property.

3.908. Program Administration; Review.

(1) Except as provided below, the City Manager shall be responsible for the administration of the Street Maintenance Fee program.

(2) The City Council will review the Street Maintenance Fee at least annually, as part of the budget development process of the City. Such review shall include, but is not limited to, a review of the amounts collected by the Street Maintenance Fee, the amounts spent on City Street maintenance and repair and the maintenance and repairs accomplished during the preceding year, the current and projected maintenance and repair needs of the City Street system, and the appropriateness of any scheduled increase in the Street Maintenance Fee under Section 3.902(6).

3.910. Enforcement.

(1) In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where Street Maintenance Fees are delinquent or unpaid, and such other remedies as are provided for nonpayment of water and sewer fees.

(2) Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative.

Section 2. This ordinance is repealed June 30, 2020.

Read for the first time:
Read for the second time:
Passed by the City Council:
Approved by the Mayor:

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Ordinance - Page 4

An Ordinance Establishing a Street Maintenance Fee.

WHEREAS, the Dallas City Council finds that the City Street system is a substantial capital investment of public resources and a significant capital asset that requires an ongoing program of maintenance and repair to maintain it in good and safe condition, fit for the purposes that it was established; and

WHEREAS, failure to maintain and repair streets results in the accelerated deterioration of their condition, resulting in increased costs of repair and reconstruction; and

WHEREAS, funding sources that have historically provided for the maintenance and repair of City Streets are declining in real and relative terms and are inadequate to maintain the street system in good condition; and

WHEREAS, a well maintained City Street system is important to the quality of life and economic well-being of the City, and to the health, safety and welfare of its residents;

WHEREAS, it is the intention of the Dallas City Council by the adoption of this ordinance to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of a well-maintained City Street system; NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS AS FOLLOWS:

Section 1. The following sections are adopted and added to Chapter 3 of the Dallas City Code:

3.900. Definitions.

For the purpose of Sections 3.900 through 3.910, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) City Street. A public residential, collector or arterial street within the city limits of the City of Dallas that is not a state highway or county road.

(2) Person. A natural person; unincorporated association; tenancy in common; partnership; corporation; limited liability company; cooperative; trust, any

governmental agency, including the State of Oregon but excluding the City of Dallas; and other entity in law or in fact.

(3) Responsible Party. The person owing the Street Maintenance Fee established under Sections 3.900 through 3.910.

~~(4) Developed Property. A parcel or portion of real property on which an improvement exists. Improvement on developed property includes, but is not limited to, buildings, parking lots, and outside storage.~~

~~(45) Non-Residential Unit. A structure or use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure which provides facilities for one or more businesses including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit.~~

~~(56) Residential Unit. A residential structure which provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, not as a nonresidential unit. An Ancillary Unit on a single-family parcel shall be considered as a separate residential unit. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units have each unit considered as a separate residential unit. Transient Lodging subject to the provisions of Sections 7.870 through 7.924 shall not be considered as a Residential Unit.~~

~~(7) Transient Lodging. Lodging subject to the transient lodging tax established under Section 7.870 through 7.924.~~

3.902 Imposition of Street Maintenance Fee.

(1) There is hereby created a Street Maintenance Fee.

(2) The Street Maintenance Fee shall be assessed in equal amount to each residential unit and to each non-residential unit as ~~determined by resolution of the City Council set forth in subsection (6), below~~. Billing for the Street Maintenance Fee shall be as a line item on the city's regular water and sewer bill.

(3) Except as otherwise provided in subsection (5), below, the obligation to pay a Street Maintenance Fee arises when a responsible party uses or otherwise

~~Ordinance—Page 2~~

benefits from Street Maintenance services. It is presumed that Street Maintenance services are used, and that a benefit arises, whenever the subject real property ~~is a developed property~~ receives and is billed for city water and sewer service.

(4) All ~~developed properties~~ Residential and Non-Residential Units within the city limits that receive and are billed for city water and sewer service shall be charged the Street

Ordinance - Page 2
Maintenance Fee.

(5) ~~Undeveloped properties~~ Properties not receiving billing statements for city water and sewer services shall not be charged a Street Maintenance Fee.

(6) The Street Maintenance Fee established in subsection (2), above, shall be assessed monthly as follows:

July 1, 2010 to June 30, 2011 -- \$2.50 per residential and nonresidential unit

July 1, 2011 to June 30, 2012 -- \$3.50 per residential and nonresidential unit

July 1, 2012 to June 30, 2013 -- \$4.50 per residential and nonresidential unit

July 1, 2013 to June 30, 2020 -- \$5.50 per residential and nonresidential unit
~~Beginning July 1, 2013, and continuing thereafter until changed by the City Council, the Street Maintenance Fee shall be assessed monthly at the rate of \$5.50 per residential and nonresidential unit.~~

3.904. Dedication of Street Maintenance Fee Revenues.

All Street Maintenance Fee revenues derived shall be distinctly and clearly noted in both the revenue and expenditure sections of the city budget and shall be used for the maintenance and repair of City Streets and direct costs incidental thereto, and for no other purpose, in order to help provide for a safe, well-maintained City Street system. The Fees paid and collected by virtue of this ordinance shall not be used for general or other governmental or proprietary purposes of the City.

3.906. Collection.

(1) Street Maintenance Fees shall be collected monthly. Statements for the Fee shall be included as an additional item on the city monthly water and sewer utility billing.

(2) Unless another Responsible Person has agreed in writing to pay, and a copy of that writing is filed with the city, the persons responsible for paying the city's

water and sewer utility charges are responsible for paying the Street Maintenance Fee, if the property is located within the city limits.

~~Ordinance – Page 3~~

~~(3) A request for water or sewer service, the issuance of a building permit, or the occupancy of an un-serviced building will automatically initiate appropriate billing for the Street Maintenance Fee.~~

~~(4) There shall be no charge assessed for an undeveloped property until such time as building permits are issued for that property.~~

~~(45) The imposition of the Street Maintenance Fee shall be calculated on the basis of the number of residential or non-residential units supported, without regard to the number of water meters serving a particular property.~~

Ordinance – Page 3

3.908. Program Administration; Review.

(1) Except as provided below, the City Manager shall be responsible for the administration of the Street Maintenance Fee program.

(2) The City Council will review the Street Maintenance Fee at least annually, as part of the budget development process of the City. Such review shall include, but is not limited to, a review of the amounts collected by the Street Maintenance Fee, the amounts spent on City Street maintenance and repair and the maintenance and repairs accomplished during the preceding year, the current and projected maintenance and repair needs of the City Street system, and the appropriateness of any scheduled increase in the Street Maintenance Fee under Section 3.902(6).

3.910. Enforcement.

(1) In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where Street Maintenance Fees are delinquent or unpaid, and such other remedies as are provided for nonpayment of water and sewer fees.

(2) Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter,

including but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative.

Section 2. This ordinance is repealed June 30, 2020.

| ~~Ordinance - Page 4~~

Read for the first time:
Read for the second time:

Passed by the City Council:
Approved by the Mayor:

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

| ~~Ordinance - Page 4~~

ORDINANCE NO. 1716

An Ordinance amending provisions of the Dallas City Code Section 8.110; and adding new provisions, relating to State Building Code violations.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 8.110 is amended to read as follows:

“8.110. Violations; Penalties; Remedies.

“(1) No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this code.

“(2) Violation of a provision of the State Building Codes shall be subject to an administrative civil penalty not to exceed \$1000 for each offense and shall be processed in accordance with the procedures set forth in Sections 8.115 to 8.125.

“(3) Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

“(4) In addition to the above penalties, a condition caused or permitted to exist in violation of the State Building Codes is a public nuisance and may be abated by any of the procedures set forth under Sections 5.500 through 5.642 of the Dallas City Code.

“(5) The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute or law.

Section 2. The following provisions are added to and made a part of Dallas City Code Chapter 8:

“8.115. Building Official: Authority to Impose Administrative Civil Penalty.

“(1) Upon a determination by the building official that any person,

firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and any other responsible person an administrative civil penalty as provided by subsections (1) to (11) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

“(2) Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

“(3) Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than five calendar days.

“(4) After the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to whom an order to correct was issued.

“(5) Notwithstanding subsections (2) and (3), the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

“(6) In imposing an administrative civil penalty authorized by this section, the building official shall consider:

“(a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

“(b) Any prior violations of statutes, rules, orders, and permits;

“(c) The gravity and magnitude of the violation;

“(d) Whether the violation was repeated or continuous;

“(e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

“(f) The violator's cooperativeness and efforts to correct the violation; and

“(g) Any relevant rule of the building official.

“(7) Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service, or sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

“(a) Reference to the particular code provision, ordinance number, or rule involved;

“(b) A short and plain statement of the matters asserted or charged;

“(c) A statement of the amount of the penalty or penalties imposed;

“(d) The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (5), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

“(e) A statement of the party's right to appeal the civil penalty to the City Manager or the City Manager's designee, a

description of the process the party may use to appeal the civil penalty, and the deadline by which such an appeal must be filed.

“(8) Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the City Manager or the City Manager’s designee, who shall not be the building official or building inspector. The provisions of Section 80.305 shall govern any requested appeal.

“(9) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or the City Manager’s designee pursuant to, and within the time limits established by, Section 80.305.

“(11) Each day the violator fails to remedy the code violation shall constitute a separate violation.

“(12) The civil administrative penalty authorized by this section shall be in addition to:

“(a) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

“(b) Any other actions authorized by law, provided that the City shall not issue a citation to Municipal Court for a violation of the State Building Codes.

“80.120. Appeal Procedures.

“(1) A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within 10 days after the date of notice of the action, appeal in writing to the building official. The written appeal shall be accompanied by a nonrefundable appeal fee in an amount established by resolution of the council and shall include:

“(a) The name and address of the appellant;

“(b) The nature of the determination being appealed;

“(c) The reason the determination is incorrect; and

“(d) What the correct determination of the appeal should be.

“If a person, firm, corporation or other entity however organized appeals a civil penalty to the City Manager or the City Manager’s designee, the penalty shall become final, if at all, upon issuance of the City Manager’s or the City Manager’s designee’s decision affirming the imposition of the administrative civil penalty.

“(2) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

“(3) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or the City Manager’s designee within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

“(4) The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager or the City Manager’s designee deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.

“(5) The City Manager or the City Manager’s designee shall issue a written decision within 10 days of the hearing date. The written decision is final.

“(6) Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsections (1) or (5) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by section 80.310, other provisions of this code, or state statutes.

“8.125 . Unpaid Penalties.

“(1) Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (2) below, other provisions of this code, or state statutes.

“(2) If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of City liens. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of City liens. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

“(3) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.”

Section 3. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time: December 21, 2009
Read for the second time: January 4, 2010
Passed by the City Council: January 4, 2010
Approved by the Mayor: January 4, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1709

An Ordinance amending Dallas City Code Section 2.995, relating to Dallas Development Commission, Urban Renewal Agency.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.995 is hereby amended to read as follows:

2.995 Dallas Development Commission, Urban Renewal Agency Established.

(1) Based on findings contained in the report on the proposed Downtown Dallas Urban Renewal Plan, the city council declares that blighted areas, as defined by ORS 457.010(1), exist within the city, and that there is need for an urban renewal agency to function within the city.

(2) The city council further declares that, pursuant to ORS 457.045(3), all of the rights, powers, duties, privileges and immunities granted to and vested in an urban renewal agency shall be exercised by and vested in the city council itself; provided, however, that any act of the city council acting as the urban renewal agency shall be, and shall be considered, the act of the urban renewal agency only and not of the city council.

(3) The corporate name of the urban renewal agency activated by this section shall be, and the agency shall be known as, the Dallas Development Commission, Urban Renewal Agency.

Read for the first time: December 7, 2009

Read for the second time: December 21, 2009

Adopted by the City Council: December 21, 2009

Approved by the Mayor: December 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Ordinance - Page 1

ORDINANCE NO. 1710

An Ordinance adopting the amended and restated Dallas Development Code; amending Dallas City Code Section 9.700; repealing the January 5, 2000 Dallas Development Code, as amended and updated January 22, 2002 and May 7, 2007; and repealing conflicting ordinances and Dallas City Code provisions.

WHEREAS, the Dallas City Council has determined that it is timely and appropriate to update and amend the Dallas Development Code; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Development Code amendment not less than 45 days prior to the first evidentiary hearing and the Department did not object to the changes;

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council, on November 16, 2007, preliminarily approved the amended and restated Dallas Development Code, set forth in the document entitled "Dallas Development Code," now and continuously on file in the office of the City Manager, a copy of the cover page of which is attached hereto as Exhibit 1 and by reference incorporated herein, and the amendment of Dallas City Code Section 9.700, and the repeal of Dallas City Code Sections 9.100 - 9.110 (Vision Clearance), 9.150 - 9.180 (Fences) and 9.200 - 9.220 (Maps of Planned Collector, Arterial and Minor Streets) and prior conflicting ordinances; and

WHEREAS, the City Council found and hereby finds that the proposed Dallas Development Code conforms to the Dallas Comprehensive Plan, as amended, and applicable Statewide Planning Goals, and it is in the public interest to adopt it; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The Dallas Development Code, a copy of the cover page of which is attached hereto as Exhibit 1, now and continuously on file in the office of the City Manager, is hereby adopted as the zoning and development regulations for the City.

Section 2. Upon the effective date of this Ordinance, Ordinance No.1621,

Ordinance - Page 1

passed by the City Council and approved by the Mayor on January 22, 2002, and Ordinance No. 1672, passed by the City Council and approved by the Mayor on May 7, 2007, and the January 5, 2000 Development Code, are repealed.

Section 3. Dallas City Code Section 9.700 is hereby amended to read as follows:

9.700 Adoption of Dallas Development Code

The Dallas Development Code adopted by Ordinance No. 1710 on December 21, 2009, effective January 20, 2010, as now constituted and as it may be hereafter amended, is adopted by reference and made a part of this Code.

Section 4. Dallas City Code Sections 9.100 – 9.110 (Vision Clearance), 9.150 – 9.180 (Fences) and 9.200 – 9.220 (Maps of Planned Collector, Arterial and Minor Streets) are repealed upon the effective date of this ordinance.

Read for the first time: December 7, 2009
Read for the second time: December 21, 2009
Passed by the City Council: December 21, 2009
Approved by the Mayor: December 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER



City of Dallas Development Code

Adopted by Ordinance 1710

December 21, 2009

Effective Date: January 22, 2010

Revised:

Date

Ordinance#

ORDINANCE NO. 1711

An Ordinance amending the Dallas Zoning Map; and repealing the current Dallas Zoning Map.

WHEREAS, Ordinance No. 1710 adopts the amended and restated Dallas Development Code as the zoning and development regulations of the City of Dallas; and

WHEREAS, adoption of the Dallas Development Code requires corresponding and conforming amendments to the Dallas Zoning Map, to ensure consistency between the Development Code and the Zoning Map; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Zoning Map amendment not less than 45 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council preliminarily approved the conforming amendments to the Dallas Zoning Map on November 16, 2009; and

WHEREAS, the City Council found and hereby finds that the proposed amended Dallas Zoning Map conforms to the Dallas Comprehensive Plan, as amended, and applicable Statewide Planning Goals, and it is in the public interest to adopt it; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The map attached hereto and marked Exhibit 1 is hereby adopted as the amended Zoning Map for the City of Dallas, and the current Zoning Map for the City is hereby repealed.

Section 2. This ordinance shall be effective on the effective date of Ordinance No. 1710.

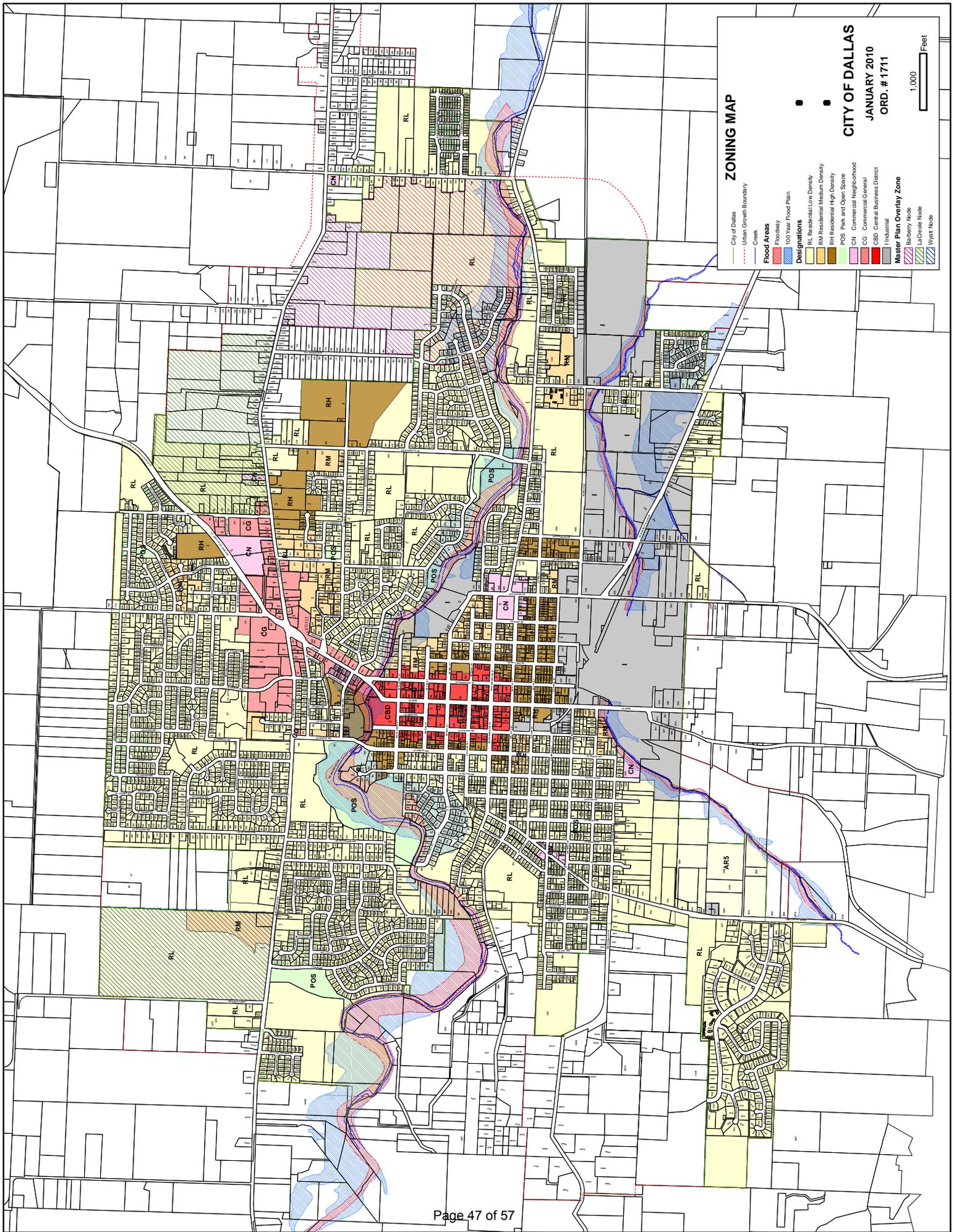
Read for the first time: December 7, 2009
Read for the second time: December 21, 2009
Adopted by the City Council: December 21, 2009

Approved by the Mayor: December 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER



ORDINANCE NO. 1712

An Ordinance amending the Dallas Comprehensive Plan Map; and repealing the current Dallas Comprehensive Plan Map.

WHEREAS, Ordinance No. 1710 adopts the amended and restated Dallas Development Code as the zoning and development regulations of the City of Dallas, and Ordinance No. 1713 makes certain conforming text amendments to the Dallas Comprehensive Plan; and

WHEREAS, the text amendments in the Dallas Comprehensive Plan, require corresponding and conforming amendments to the Dallas Comprehensive Plan Map, to ensure consistency between the Comprehensive Plan and the Comprehensive Plan Map; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Comprehensive Plan Map amendment not less than 45 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council preliminarily approved the conforming amendments to the Dallas Comprehensive Plan Map on November 16, 2009; and

WHEREAS, the City Council found and hereby finds that the proposed amended Dallas Comprehensive Plan Map conforms to applicable Statewide Planning Goals, and it is in the public interest to adopt it; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The map attached hereto and marked Exhibit 1 is hereby adopted as the amended Comprehensive Plan Map for the City of Dallas, and the current Comprehensive Plan Map for the City is hereby repealed.

Section 2. This ordinance shall be effective on the effective date of Ordinance No. 1713.

Read for the first time: December 7, 2009
Read for the second time: December 21, 2009
Adopted by the City Council: December 21, 2009
Approved by the Mayor: December 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Ordinance - Page 1

COMPREHENSIVE PLAN MAP

CITY OF DALLAS
JANUARY 2010
ORD. # 1712

1,000 Feet

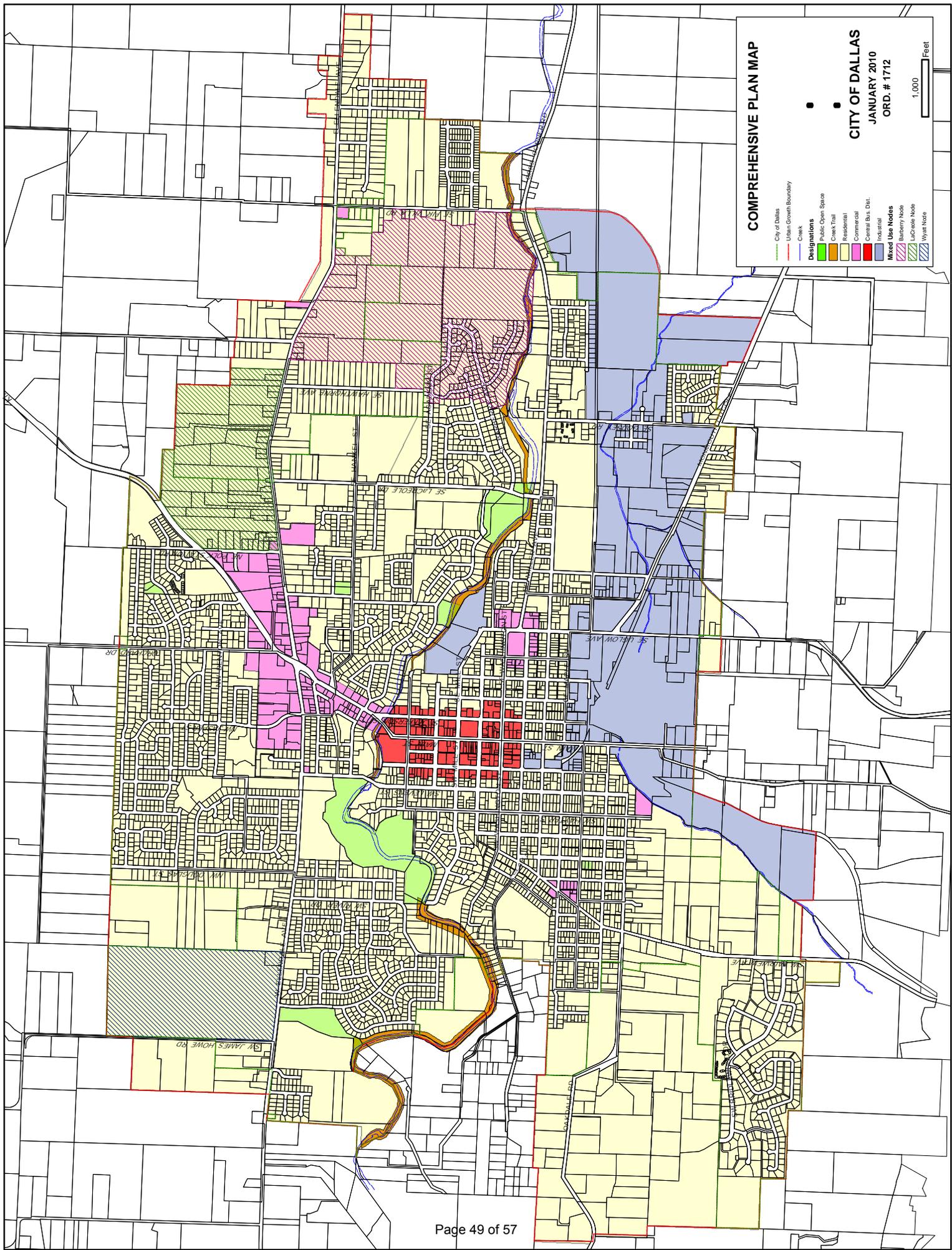
- City of Dallas
- Urban Growth Boundary
- Creek

Designations

- Public Open Space
- Creek Trail
- Residential
- Commercial
- Central Bus. Dist.
- Industrial

Mixed Use Nodes

- Barbory Node
- Lubbock Node
- Wyatt Node



ORDINANCE NO. 1713

An Ordinance amending the Dallas Comprehensive Plan; and amending Dallas City Code Section 9.600; and repealing prior conflicting ordinances.

WHEREAS, Ordinance No. 1710 adopts the amended and restated Dallas Development Code as the zoning and development regulations of the City of Dallas; and

WHEREAS, adoption of the Dallas Development Code requires corresponding and conforming amendments to the Dallas Comprehensive Plan, to ensure consistency between the Development Code and the Comprehensive Plan;

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Comprehensive Plan amendments not less than 45 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council preliminarily approved the conforming amendments to the Dallas Comprehensive Plan on November 16, 2009; and

WHEREAS, the City Council found and hereby finds that the proposed amendments to the Dallas Comprehensive Plan conform to applicable Statewide Planning Goals, and it is in the public interest to adopt them; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.6 of the Dallas Comprehensive Plan is hereby amended to read in its entirety as follows:

2.6 Mixed Use Nodes

1. **LaCreole Mixed Use Node:** Concentrate general commercial uses that are automobile-oriented and that require large areas for development to locate in the north Dallas commercial area (LaCreole Drive north of E Ellendale Avenue).

- a) To implement this policy the city, working with affected property owners, shall develop a master-planned General Commercial node of approximately 30 buildable acres, as well as supporting multi-family and open space uses.
- b) In addition to meeting setback, buffering and lot coverage standards of the underlying commercial zoning district, the master plan shall reserve at least 5% of the General Commercial area for use as central, open, publicly-accessible plazas.

- 2. **Barberry & Wyatt Mixed Use Nodes:** Two master-planned Neighborhood Commercial nodes are shown on the Dallas Comprehensive Plan Map to accommodate long-term commercial needs and to minimize the distance Dallas citizens must travel for routine shopping needs.

Section 2. Section 3.2 of the Dallas Comprehensive Plan is hereby amended to read in its entirety as follows:

3.2 Master Plan Districts

A master plan of development, consistent with Residential Neighborhood Policies, shall be required and shall be approved by the Planning Commission prior to the approval of a zone change or annexation.

Section 3. Section 3.4 of the Dallas Comprehensive Plan is hereby amended to read in its entirety as follows:

3.4 Innovative Techniques

To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:

- 1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following densities shall apply to each net buildable acre (i.e., 43,650 square feet of

buildable area, exclusive of streets, recreational area, designated open space and public utilities):

- a) RL 04-09 dwelling units per net buildable acre
- b) RM 06-16 dwelling units per net buildable acre
- c) RH 10-40 dwelling units per net buildable acre

2. The use of new and innovative techniques, such as the planned development process, shall be encouraged to preserve natural amenities of a site, provide open space, ensure a smooth transition among different land uses, and provide for increased residential densities. At the time of rezoning, the City Council may require that a specific site be developed through the planned development process by adding a PD suffix to the zoning designation.
3. Master planning of multiple-ownership areas shall be required prior to annexations and zone changes.

Section 4. Dallas City Code Section 9.600 is amended to read as follows:

9.600 Plan Adoption.

(1) The City of Dallas Comprehensive Plan, Volume I, Goals and Policies, consisting of seven chapters, which is dated July 1, 1998, as amended by Ordinance No. 1713, adopted December 21, 2009, is hereby adopted as the Comprehensive Plan for the City of Dallas.

(2) The City of Dallas Comprehensive Plan, Volume II, Background Documents, consists of seven chapters that correspond with the seven chapters in Volume I; Volume II provides the factual basis, reasoning and conclusions that support the adoption of Volume I, Goals and Policies; however, Volume II expressly is not adopted by this section, nor is Volume II intended to be used as a land use policy document.

(3) Not less than three copies of the document referred to in subsections (1) and (2) shall be on file and available for public inspection and reproduction in the office of the director of community development of the City of Dallas during normal business hours.

Section 5. All prior and conflicting ordinances are hereby repealed.

Section 6. This ordinance shall be effective on the effective date of Ordinance No. 1710.

Read for the first time: December 7, 2009
Read for the second time: December 21, 2009
Passed by the City Council: December 21, 2009
Approved by the Mayor: December 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1714

An Ordinance amending provisions of the Dallas City Code Sections 3.804, 3.806, 3.808 and 3.814, relating to street trees; and repealing prior conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 3.804 is hereby amended to read as follows:

3.804 Size Classes and Tree Species to be Planted.

The Board shall develop and maintain a list of desirable street trees based the Growth Characteristics set forth in Dallas Development Code 3.2.040 A., and such other characteristics as the Board shall determine. Efforts shall be made to ensure a diversity of tree species. The Board shall also develop and maintain a list of trees not suitable for planting as street trees.

Section 2. Dallas City Code Section 3.806 is hereby amended to read as follows:

3.806 Spacing.

The spacing of street trees will be in accordance with the provisions of Dallas Development Code 3.2.040 C., except in special plantings designed or approved by a licensed landscape architect.

Section 3. Dallas City Code Section 3.808 is hereby amended to read as follows:

3.808 Distance from Curbs, Street Corners, Fire Hydrants and Street Lights, and Utilities.

Except as approved for developments subject to land division or site design review pursuant to Dallas Development Code 3.2.040:

(1) No street tree may be planted closer than five feet to any curb, unless planted with a root guard or other appropriate device to prevent damage by the

roots to streets, curbs and sidewalks.

(2) No street tree shall be planted within 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines.

(3) No street shall be planted within 10 feet of any fire hydrant or street light.

(4) No street tree shall be planted in such proximity to a public sanitary sewer, storm drainage or water line that the root system may cause a conflict with such public sanitary sewer, storm drainage or water line, unless planted with a root guard or other appropriate device to prevent damage by the roots to such utilities.

Section 4. Dallas City Code Section 3.814 is hereby amended to read as follows:

3.814 Street Tree Care and Pruning.

(1) The owner of the property on which any street tree is situated, and the owner of any tree overhanging any street or public right-of-way shall be responsible for maintenance of such street tree, and shall regularly prune the branches so that the branches shall not significantly obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of 14 feet above the street surface or eight feet above the sidewalk surface.

(2) All tree pruning of street trees shall be done in conformance with the American National Standards Institute A-300 standard for tree care operations.

(3) The city shall have the right to prune any tree or shrub on private property when it significantly obstructs the light of any street lamp or impairs the view of a public street or any traffic control sign or device. The pruning of such trees, plants or shrubs shall be in the manner provided for the abatement of obnoxious vegetation as provided in DCC 5.450 through 5.460.

(4) Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the responsible electric utility in compliance with any franchise agreement. Except as otherwise provided in such franchise agreement, a utility tree trimming policy shall be subject to review and approval by the Board prior to any trimming by a utility company.

Ordinance - Page 2

Section 5. Ordinance 1680 and all prior and conflicting ordinances are hereby repealed.

Read for the first time: December 7, 2009
Read for the second time: December 21, 2009
Adopted by the City Council: December 21, 2009
Approved by the Mayor: December 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER



Dallas City Council Executive Session Agenda

Monday, December 21, 2009, 7:00 p.m.
Mayor Jim Fairchild, Presiding
Dallas City Hall

City Council

Mayor
Jim Fairchild

Council President
Brian Dalton

Councilor
Warren Lamb

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Wes Scroggin

Councilor
David Shein

Councilor
David Voves

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

City Manager
Jerry Wyatt

Asst. City Manager
Kim Marr

City Attorney
Lane Shetterly

Community Development
Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Police Chief
John Teague

Public Works Director
Fred Braun

ITEM

RECOMMENDED ACTION

1. ROLL CALL

2. Adjournment to executive session as authorized in
ORS 192.660(2)(i) (Review and evaluate the job
performance of the City Manager.)

13. ADJOURNMENT
