



URBAN SERVICES COMMITTEE

Agenda

**Tuesday, October 6, 2015
5:00 pm**

**Madison Avenue Meeting Room
500 SW Madison Avenue**

An opportunity for public comment will be provided at this meeting

- | | |
|------------------------------------|--|
| Discussion/ Possible Action | I. Residential Parking Permit District Process (Attachment) |
| Discussion/ Possible Action | II. Council Policy Review and Recommendation: 7.11, "Water Main Extensions and Fire Protection" (Attachment) |
| Discussion/ Possible Action | III. Council Policy Review and Recommendation: 9.03, "Parking Permit Fees" (Attachment) |
| Discussion/ Possible Action | IV. Council Policy Review and Recommendation: 9.04, "Street Lighting Policy" (Attachment) |
| Information | V. Other Business |

Next Scheduled Meeting

Tuesday, October 20, 2015 at 5:00 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda

- Neonicotinoids
- Council Policy Reviews and Recommendations:
- 7.01, "Assessments – Sanitary Sewer and Water System Improvements"
- 7.02, "Assessment – Storm System"
- 7.03, "Assessment – Street Improvements"

TO: Urban Services Committee for October 6, 2015 Meeting
 FROM: Mary Steckel, Public Works Director *MS*
 DATE: September 22, 2015
 THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
 SUBJECT: Residential Parking District Process Review



Action Requested:

Staff requests USC concurrence with the proposed changes to the Residential Parking District (RPD) formation/expansion process.

The USC to recommend approval of the Corvallis Municipal Code changes.

Discussion:

An expansion to RPD C was made in 2015, at the request of residents adjacent to and south of the then-existing RPD C. During the expansion process recently concluded, there were observations made by staff and comments from the public regarding the administrative procedure for initiating or expanding an RPD. The purpose of the staff procedure is to guide information gathering to provide as complete a picture as possible for the City Council decision-making process.

The following is a discussion from staff's perspective of the issues.

1. Issues raised about staff not adhering to the process

- a. Staff elected to advance the request and survey property owners, even though not all individual block faces within the boundary area reached the 50% support threshold (via petition) identified in Step 1 of the administrative procedure (attached). This was noted by opponents as a flaw in the way the request was handled. Staff believes the procedure should be modified to define the 50% threshold as applying to the entire area proposed, rather than individual block faces. The threshold in Step 1 is simply to determine if sufficient interest exists in the boundary area to warrant the resources to advance the process. An actual survey takes place in Step 4.
- b. Two block faces within the identified boundary did not reach the 85% parking utilization rate referred to in Step 2, although the overall utilization rate was over 91%. The procedure does not refer to analyzing the parking study results by block face. The intention could be made clearer if the wording specifically described the parking demand percentage as applying to the overall area.

2. Issues raised about the process

- a. The current procedure surveys property owners to assess interest in district formation, both in Step 1 via petition and Step 4 via mailed "ballot." The procedure was established this way because parking controls are seen to affect property values, and therefore property owners will have a larger stake in the outcome. Some individuals who spoke at the public meetings on this topic advocated for surveying tenants as well. Staff notes that all residents, whether tenants or property owners, may participate in the process by addressing the Urban Services Committee and City Council directly.

In staff's experience, tenants will support RPDs due to the low cost of the permit and the resulting improved parking availability. Therefore, including tenants in the Step 4 survey assessing interest would always skew the process toward approval of a district in neighborhoods with a high proportion of rental units.

Staff believes it is appropriate to continue to communicate with property owners for Steps 1 and 4. However, rather than leave it to owners to notify (or not) their tenants of the potential parking control change, information could be posted using notices on barricades or lawn signs similar to those used by the Community Development Department for pending land use actions. These could be posted on each block face inviting feedback to USC and Council.

- b. The term “ballot” in the current procedure created the misperception that the property owners “vote” and led to concerns about the process of seeking input from property owners and not residents being considered a “poll tax.” The City Attorney stated that because the actual vote on the district formation or expansion occurs at the City Council, the process cannot be considered a poll tax. As described above, Steps 1 and 4 exist to assess interest by property owners in creating an RPD. Staff has proposed different language in the process to avoid this confusion.

3. Things lacking in the procedure

The current procedure actively seeks feedback from the property owners within the identified boundary but not the adjacent properties or larger community. It was suggested that this should be done. Although it isn’t specified in the procedure, in the RPD C expansion process, staff sent letters to property owners within one block of the proposed boundary, inviting input at the USC meeting at which the proposal was discussed. Staff is proposing to modify the procedure to increase public notification as follows:

- a. Send letters notifying of the USC meeting to property owners and residents within one block of the proposed new or expanded RPD boundary using address and owner information in the Benton County property tax database;
- b. Notify a Neighborhood Association representative if the proposed district is in or adjacent to an area included in an Association; and
- c. Post lawn signs as described in Item 2a. This would provide notification to adjacent residents who travel through the area and to individuals driving in from outside the area and parking within the proposed expansion boundary.

4. Whether to codify the procedure

There is already significant language in the Corvallis Municipal Code (CMC) Section 6.15 pertaining to RPDs, covering such things as legislative findings, district boundaries, permit issuance, parking regulations, and permit violations and fines. In order to provide the City Council some flexibility in unusual circumstances, staff does not believe the process for forming or expanding districts should be captured in the CMC. The current administrative process is well defined and has done what it was intended to do – bring information to the City Council to aid in evaluating requests and making a decision. However, to make clear in the CMC that a procedure does exist, staff proposes to develop simple code language referencing the administrative procedure.

Recommendation:

Staff polled several other communities with RPDs to ascertain how they make decisions for expansions or new districts. The results (Attachment A) indicate that each community approaches the situation in a slightly different manner, without consistency to the steps involved or level of approval.

The attached revised administrative process (Attachment B) captures the changes described in #1-3 above. No formal Council action is needed to make these changes though staff seeks USC concurrence.

The attached CMC proposed changes (Attachment C) reflects the direction staff recommends in #4 above. A motion by the City Council is required to effect a CMC change.

Budget Impact:

There is no budgetary impact resulting from the recommendations to modify the existing administrative procedure or to add language to the CMC referencing this procedure.

Attachments

A – Summary of Other Cities’ Residential Parking District Expansion Processes

B – Revised Administrative Formation Process

C – Proposed CMC changes to Section 6.15.030 – Creation and designation

Summary of Other Cities' Residential Parking District Expansion Processes

City	Petition	Parking Survey	Household Survey	Residents or Property Owners	Decision Level
Eugene	Yes 50% +	Yes	No, notice mailed to owners, tenants, neighborhood assoc.	Both	Staff
Portland *	Letter w/evidence of support	Yes - generally 75% occupied; 25% by commuters, but is flexible	Yes - 40% must be returned w/simple majority approving	Either	Staff
Seattle	No - letter requesting	Yes - 75%; 35% non-resident	No, work with interested stakeholders to develop outreach program	Either	Staff
Boise, ID	No - staff initiated	Not specified	No, notice distributed to owners, tenants, published in newspaper	Either	Council
Berkeley, CA	Yes 51%	Yes - 75%	No - Public notice and hearing	Either	Council
St. Paul, MN	Yes		Yes - 75%	Property Owners	Council
Corvallis	Yes	Yes - 85%	Yes - 50%	Property Owners	Council

* This refers to Portland's "Mini Area Parking Permit Program", for areas encompassing 12 block faces or fewer

Residential Parking District Formation Process

~~April 2006~~ **October 2015**

- Step 1 ~~Petition to form a new district or expand an existing district~~
The City must receive a A petition signed by at least 50% of the **property owners** ~~abutting each block face in any~~ **within the** area that is interested in forming a new district or expanding an existing district. The petition should clearly indicate the area (include a street map with the proposed district outlined). To assure effective districts, the minimum new district size is 10 block faces.
- Step 2 City staff will complete a parking study that identifies the peak parking demand in relationship to supply. ~~Generally,~~ **The process will not continue unless staff finds that the demand must be is at least 75% of supply within the overall proposed boundary to continue the process.** ~~This step may result in adjustments to the proposed district boundaries.~~
- Step 3 City staff will complete an enforcement impact report that discusses the ability to enforce parking controls within the proposed district and/or the need for additional enforcement staff.
- Step 4 Property owners within the proposed district will be asked **(typically via postcard mailing) to indicate support or opposition to** ~~, via ballot, to support~~ the formation of the district. Information regarding the cost and process to acquire parking permits for those living in residential parking districts will be provided with the ~~ballot~~ **mailing.**
- Step 5 Proposed districts within the area included in the 2002 Downtown Parking Plan will be reviewed by the Downtown Parking Commission with a recommendation to the City Council.
- Step 6 All the information developed through ~~s~~**Steps** 1-5 above will be provided to the City Council through the Urban Services Committee for a decision regarding district formation or expansion.
- Step 7 Public noticing for the Urban Services Committee meeting described in Step 6 will include:**
- **A mailing to both property owners and tenants within the proposed district boundary, using property information in the Benton County Assessor's database.**
 - **Notices on barricades or lawn signs posted on each block face within the proposed district boundary providing meeting information.**
 - **A mailing to both property owners and residents within one block of the proposed district boundary, using property information in the Benton County Assessor's database.**
- Note ~~The current annual cost for a residential parking permit is \$15.~~ **NOTE:** There is no fee to petition to create a new residential parking district or to expand an existing district.

ORDINANCE 2015-_____

AN ORDINANCE RELATING TO CREATION AND DESIGNATION OF RESIDENTIAL PARKING PERMIT DISTRICTS, AMENDING CORVALLIS MUNICIPAL CODE SECTION 6.15.030, "CREATION AND DESIGNATION", AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Municipal Code Section 6.15.030 is hereby amended as follows:

Section 6.15.030 - Creation and designation.

There are hereby created residential parking permit districts subject to the provisions herein and containing the following described areas:

- 1) District "A." District A shall include all property abutting the following described streets: The west side of NW 27th Street between NW Johnson Avenue and NW Arnold Way; NW 28th, 29th, and 30th Streets between NW Johnson and Van Buren Avenues; NW 28th Street between NW Van Buren Avenue and Arnold Way; NW 31st Street between its southerly end and NW Van Buren Avenue; the south-westerly side of NW Arnold Way between NW 27th and 28th Streets; NW Van Buren Avenue between NW Arnold Way and NW 31st Street; NW Jackson Avenue between NW 27th and 32nd Streets; NW Johnson Avenue between NW 27th and 33rd Streets; 32nd Street and the east side of NW 33rd Street between Johnson Avenue and Jackson Avenue; and 29th Street from its Northerly end to Van Buren Avenue.
- 2) District "B." District B shall include all property abutting the following described streets: NW 14th, 15th, and 16th Streets between Monroe Avenue and NW Harrison Boulevard; NW 17th Street between NW Jackson Avenue and NW Harrison Boulevard; NW 18th Street between NW Van Buren Avenue and NW Harrison Boulevard; NW Kings Boulevard and NW 21st Street between Monroe Avenue and NW Harrison Boulevard; NW 23rd Street between NW Jackson Avenue and NW Harrison Boulevard; NW Jackson and Van Buren Avenues and the south side of NW Harrison Boulevard between NW 14th and 23rd Streets; the north side of NW Jackson Avenue between NW 23rd Street and the alley between NW 23rd and 25th Streets; and the north side of Monroe Avenue between the east side of NW 14th Street and NW 21st Street.
- 3) District "C." District C shall include all property abutting the following described streets: SW Seventh Street between SW Madison and SW Jefferson Avenues; SW Eighth Street between SW Monroe and SW Jefferson Avenues; SW Ninth Street between SW Monroe and SW Jefferson Avenues; and SW Madison Avenue between SW Ninth Street and the alley between SW Sixth and SW Seventh Streets.

The City shall establish a written procedure for handling requests to expand an existing residential parking district or initiate a new district.

(Ord. No. 2015- § ; Ord. No. 2015-03, §§ 1, 2, 02/17/2015; Ord. No. 2014-05, § 1, 06/02/2014; Ord. 2012-12 § 1, 07/02/2012; Ord. 2010-16 § 1, 07/19/2010; Ord. 2001-04 § 1, 5/7/2001; Ord. 89-45 § 1, 1989; Ord. 89-08, 1989; Ord. 88-08 § 3, 1988; Ord. 82-66 § 3, 1982)

PASSED by the City Council this _____ day of _____, 2015.

APPROVED by the Mayor this _____ day of _____, 2015.

EFFECTIVE this _____ day of _____, 2015.

Mayor

ATTEST:

City Recorder

TO: Urban Services Committee for October 6, 2015
FROM: Mary Steckel, Public Works Director *MS*
Roy Emery, Fire Chief *RE*
DATE: September 23, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Periodic Review of Council Policy 7.11 – Water Main Extensions and Fire Protection



Action Requested:

Staff requests that the USC recommend to the City Council approval of Council Policy 7.11 as revised in the attached document.

Discussion:

Council Policy 7.11 was adopted in 1972 and last modified in 2011. The Water Main Extensions and Fire Protection policy establishes a requirement to extend water distribution mains to and through a property's street frontage(s) as a condition of acquiring water service. It also details the requirement for the installation of fire hydrants to protect structures.

Water service is only given to properties that have a main line of adequate capacity extending the full length of the property. If this is not the case, the property owner is required to pay for the extension of the line to the boundary of their property.

Fire hydrants are required in the proper locations and in adequate quantities to provide fire fighting capabilities. Hydrants are required to be installed concurrent with the construction or relocation of structures. To accommodate firefighting equipment, paving and maintenance of access to fire hydrants is also required. The cost of hydrant installation, water main installation, and paved access is the responsibility of the property owner and/or developer.

No major modification is proposed for Council Policy 7.11. Small language revisions appear in Policy, Scope, and Guidelines. This policy references Development Services Policy 1052 and Corvallis Municipal Code Chapter 7.08, both of which are attached for your reference.

Budget Impact:

There are no budget impacts to approving this revised Council Policy which governs the timing of improvements.

Attachments

- A – Draft revision of Council Policy 7.11
- B – Development Services Policy 1052
- C – Corvallis Municipal Code Chapter 7.08

 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>	<p>City of Corvallis</p> <p>City Council Policy – Community Improvement</p> <p>Attachment A</p> <p>Policy # 7.11</p> <p>Water Main Extensions and Fire Protection</p>	 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>
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Policy: ~~To permit orderly growth, provide fire protection, and protect the City's insurance rating, the following policies are adopted.~~ **The City shall require the extension of water distribution mains to and through a property's street frontage as a condition of acquiring water service, and shall also require the installation of fire hydrants consistent with current codes and policies.**

Purpose: To establish a water main extension and fire protection policies.

Scope: **Water Main Extensions**

Any property for which water service is being requested.

Fire Protection

Where buildings, portions of buildings or mobile structures are constructed or re-located.

Goals: To permit orderly growth, provide fire protection and protect the City's insurance rating.

Guidelines: **Water main extensions**

Water service will only be granted to those properties where there is a water main of satisfactory size extending the full width of the property. The City's minimum standard for water mains is eight inches with exceptions permitted only with the specific approval of the City Engineer.

If a parcel of land abuts on dedicated streets at both the front and rear property lines and existing or proposed development extends beyond half the depth of the property, the owner will be required to provide acceptable water mains at both property lines as a condition of the development.

If, in the opinion of the City Engineer, it is not immediately feasible to provide a water mains ~~to~~ **along** the second property line, an irrevocable petition for water main extension will be recorded against that specific property subjecting it to any future assessments that may be required to provide the additional water main.

Fire Protection

~~a~~All such premises shall be provided with approved fire hydrants in accordance with Development Services Policy #1052 and Corvallis Municipal Code Chapter 7.08, "City Fire Code." Such hydrants shall be connected to a water system capable of supplying adequate fire flow to protect the premises. Specific locations of such hydrants shall be designated by the Fire Chief. To accommodate firefighting apparatus, paving and maintenance of accesses to these fire hydrants will be required.

Council Policy # 7.11

The cost of the hydrants, water mains, and accesses shall be borne by the property owner and/or developer.

Review/Update: The Public Works Director and the Fire Chief will prepare this Council Policy for review every four years for Council approval.

Rev #	Name	Change Date	Character of Change
0		November 6, 1972	Adopted
1		October 7, 1991	Affirmed
2		November 6, 1995	Revised
3		November 15, 1999	Revised
4		November 3, 2003	Affirmed
5		November 5, 2007	Affirmed
6		October 17, 2011	Affirmed
7	M. Steckel	September 22, 2015	Revised



Community Development

Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477
FAX (541) 766-6936

Policies / Interpretations / Procedures

POL 1052

Adopted: December 16, 1995
Last Reviewed: April, 2013

FIRE HYDRANTS

Policy Summary:

The policy outlines the following:

1. Fire hydrants are public improvements unless specifically exempted;
2. Standards for determining the number and location of hydrants for a project;
3. Plan review, permitting, and inspection processes; and,
4. Standards to be utilized for conducting plan reviews and inspections of fire hydrants.

Background:

There was staff consensus that development of a written policy related to fire hydrants would result in improved review of projects which are required to have fire hydrants installed.

Discussion:

Fire hydrant requirements are normally identified during staff review in preparation for a project predevelopment meeting. The determination of the number and location of hydrants should be made as early in the project as possible, and this determination is generally made by the Fire Marshal. An additional critical decision is whether the required hydrants are to be public or private because the subsequent plan review, permitting, and inspection processes can then be specified.

Policy:

1. Fire hydrants shall be classified as public improvements. If an applicant requests that a fire hydrant be classified as a private improvement, the City Engineer, with the consent of the Fire Marshal, may approve the request if the applicant demonstrates that the hydrant:
 - a. will be installed and maintained as per NFPA 24 and NFPA 25; and

POL 1052
April, 2013
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- b. is in a location where public access (for purposes other than emergency services) must be restricted; or,
 - c. it is in the best interest of the City to approve a private hydrant.
2. The number and location of fire hydrants required for a development project is determined based on Appendix C from the most recently adopted edition of the Oregon Fire Code.
3. Plan review, permitting, and inspections for public fire hydrants will be accomplished by the Engineering Division through the Public Improvement by Private Contractor (PIPC) process. Plan review, permitting, and inspections for private fire hydrants will be accomplished by the Development Services Division through the building permit process. In either case the Fire Marshal will be consulted during the review and inspection processes.
4. All fire hydrants shall be installed utilizing the following standards:
 - a. City of Corvallis Standard Construction Specifications (Detail No. 303)
 - b. Corvallis Fire Department Operating Guideline D.O.G. 11.2.2

A public fire hydrant, and any water line serving the hydrant, must be located in a public right-of-way or an easement which provides access for maintenance and inspection purposes. Public hydrants are maintained by the City.

Private fire hydrants shall be served by water lines which are metered and separated from the public water system by a backflow prevention device. The location of this device will be determined by the City.

NEXT SCHEDULED REVIEW: April, 2015

Attachment C

Chapter 7.08 - CORVALLIS FIRE CODE (CFC)

Sections:

Section 7.08.010 - Adoption of State Fire Code.

1) The State of Oregon Fire Code (OFC) effective July 21, 2014, including the Table of Contents Appendices B, C, D, H, I, K, L, M, and N and the Index together which prescribe regulations safeguarding life, health, property and public welfare to a reasonable degree from the hazards of fire explosion and panic save and except such other portions thereof are hereinafter deleted herein modified or amended is hereby adopted and by this reference made a part hereof with the same force and effect as though set forth herein in full. The foregoing is referred to as the "Fire Code" and is composed of the 2012 edition of the International Fire Code as published by the International Code Council and amended by the Oregon State Fire Marshal said Fire Code is on file and open to public inspection in the City Library. All referenced standards in OFC Chapter 80 are hereby adopted and are on file and open to public inspection at the Fire Prevention Office of the Fire Department.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.020 - Change of use or occupancy.

1) OFC Section 102 adopted by this Chapter is amended, and Section 102.11.1 is added, to read in its entirety as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when required in Chapter 11.
4. Existing structures, facilities and conditions which, in the opinion of the fire code official, constitute a distinct hazard to life or property.

102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

102.3 Change of use or occupancy. The provisions of the Building Codes as adopted by the City of Corvallis shall apply to all buildings undergoing a change of occupancy.

102.4 Application of building code. The design and construction of new structures shall comply with the building codes as adopted by the City of Corvallis. Repairs, alterations, and additions to existing structures shall comply with these building codes as adopted by the City of Corvallis.

102.5 Application of residential code. The design and construction of new residential structures shall comply with the residential building codes as adopted by the City of Corvallis. Repairs, alterations, and additions to existing structures shall comply with these residential building codes as adopted by the City of Corvallis.

102.6 Historic buildings. The construction, alteration, repair, enlargement, restoration, relocation, or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard of life or property shall be in accordance with the provisions of the building codes as adopted by the City of Corvallis.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within statutes or administrative rules adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.

102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

OFC 102.11.1 Local interpretation. Corvallis Fire Department Fire Prevention Operating Guidelines (DOG) have been developed with the intent to detail and clarify the city application of this Fire Code as adopted by the City of Corvallis these guidelines are available for public review at the administrative Offices of the Fire Department and on the city's website.

102.12 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.030 - Authority, Fire Code official(s).

OFC 104.1.1 The fire chief and members of the fire prevention bureau shall have the power of a police officer in performing their duties under this code.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.040 - Fire records.

1) OFC Section 104.6.3 adopted by this Chapter is restated to read in its entirety as follows:

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of acts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.050 - Fire investigations.

1) OFC Section 104.10 adopted by this Chapter is restated to read in its entirety as follows:

104.10 Fire Investigations. The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets of processes shall not be made part of the public record, except as directed by a court of law.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.060 - Fire Code permits.

1) OFC Section 105.6 and 105.7 are adopted by this Chapter in their entirety with the intent that the City of Corvallis issue Fire Code Permits for all operations and installations listed in the Oregon Fire Code Sections 105.6.A through 105.7.16.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.070 - Appeals.

1) OFC Section 108 is adopted by this Chapter and amended to read in its entirety as follows:

108.1 Board of Appeals.

- 1) In order to hear and decide appeals of orders decisions or determinations made by the fire chief relative to the application and interpretation of this code there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The fire chief 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. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire chief.
- 2) 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.

108.2 Appeal procedure. Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the fire chief with regard to the Fire Code may be appealed to the board of appeals in conformance with procedures provided herein.

108.3 Filing parties.

- 1) Appeals may only be filed by the following parties affected by a decision:
 - a) The owner or authorized agent;
 - b) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision;
 - c) Any agency officer or department of the City which has the responsibility for providing City facilities and/or services to the parcel of land; or
 - d) Ten adult residents of the City.

108.4 Filing date. Appeals must be filed within ten (10) calendar days from the date of the decision of the fire chief.

108.5 Requirements for filing appeal. Appeals shall be filed in writing with the City Recorder and shall include:

- a) The name and address of the appellant;
- b) The address of the parcel that is the subject of the decision;
- c) The date of the decision;
- d) The nature of the fire chief's decision;
- e) A statement of the applicable code section and the specific grounds for the appeal; and,
- f) A filing fee as specified in the Fees Chapter 803.

108.6 Board meeting. The fire chief shall schedule a meeting of the board within 30 days of the filing of the appeal. The board of appeals shall grant a hearing or dismiss the appeal. The appeal shall be dismissed if the board finds that the appeal does not meet the criteria in Subsection 108.5. If the appeal is dismissed the fire chief's decision is final. The hearing shall be held not later than 30 days after filing the appeal.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 10, 1992; Ord. 89-54 §§ 11 and 49, 1989)

Section 7.08.080 - Violations.

- 1) OFC Section 109 is adopted by this Chapter with Sections 109.3.3 and 109.4 reinstated to read in their entirety as follows:

109.3.3 Prosecution of violations. If the notice of violation is not complied with promptly the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to the provisions of 109.4.1.1—109.4.1.8.12.

109.4.1 Misdemeanor citation. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued there under and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor punishable by a fine not exceeding \$500, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment as outlined in Corvallis Municipal Code Chapter 5. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense.

109.4.2 Declaration of infraction. Notwithstanding 109.4.1 any violation of the provisions herein may be declared to be an infraction pursuant to the procedure provided in Article 5.03.160.

109.4.3 Removal of prohibited condition. The application of the above penalty shall not prevent the enforced removal of prohibited conditions.

109.4.4 Liability for costs of fire extinguishment. In case of fire resulting directly or indirectly from failure or neglect to promptly comply with a notice issued by the fire chief to abate a hazard within the time stipulated on the notice the person or persons so notified shall be liable to a civil action for payment of all expenses incurred by the City in and about the use of the apparatus materials and work force in extinguishing any fire resulting from such cause.

109.4.5 Dangerous buildings.

109.4.5.1 General. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment as specified in this code or any other ordinance are for the purpose of Section 109.3.5.1 dangerous buildings. Such dangerous buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in Corvallis Municipal Code Section 9.01.170.020.

109.4.5.2 Emergency procedures for abatement of dangerous buildings. Whenever the fire chief with the concurrence of the City Manager deems a building an immediate hazard to life and property due to inadequate measures taken by the owner to secure repair or maintain the building and due to the incidence of intentionally set fires and or fires of suspicious origin in the jurisdiction the fire chief may take immediate action to abate the hazard. The owner shall be liable for the cost of abatement of the hazard as provided in Corvallis Fire Code Section 113. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

109.4.1.6 Appeals. For appeals see Section 108.1.

109.4.7 Cleanup or abatement. If a condition has not been eliminated within the time set forth in an order or notice to abate the condition, the fire chief may cleanup or abate the condition. The owner shall be liable for the cost of cleanup or abatement as provided in OFC Section 108. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

109.4.8 Civil penalties.

109.4.8.1 General. In addition to any other penalty provided by law the owner of any unsafe building or owner of property upon which a fire hazard exists may incur a civil penalty in an amount as specified in 109.4.8.2 plus any cost of service or recording costs.

109.8.4.2 Authorized civil penalties and fees. The fire chief is authorized to impose civil penalties as follows:

- a) Unsafe or dangerous building, **\$1,000/\$400** (maximum/minimum);
- b) Blocking or obstructing an exit way, **\$1,000/\$400** (maximum/minimum);
- c) Overcrowding beyond the approved capacity for a building **\$1,000/\$400** (maximum/minimum);
- d) Failure to immediately restore fire sprinkler, standpipe alarm, or other fire protective or extinguishing systems or appliances to operational condition **\$900/\$300** (maximum/minimum);
- e) Failure to maintain exit signs or illumination **\$900/\$300** (maximum/minimum);
- f) Possession or use of illegal fireworks **\$900/\$300** (maximum/minimum);
- g) Tampering with fire equipment appliances **\$900/\$300** (maximum/minimum);
- h) Failure to provide alarm supervision for an automatic sprinkler system with over 100 heads **\$600/\$200**

(maximum/minimum);

- i) Failure to provide cleaning of kitchen ventilating hood and duct systems **\$600/\$200** (maximum/minimum);
- j) Failure to abate an electrical hazard **\$600/\$200** (maximum/minimum);
- k) Storage use dispensing and/or mixing of flammable and combustible liquids not in accordance with OFC Chapter 57 **\$600/\$200** (maximum/minimum);
- l) Illegal storage of hazardous equipment in buildings **\$600/\$200** (maximum/minimum);
- m) Failure to remove combustible decorative material from a public assembly **\$600/\$200** (maximum/minimum);
- n) Failure to provide or maintain a fire extinguisher **\$400/\$150** (maximum/minimum);
- o) Using a building or portion thereof rooms in an unsafe manner beyond the scope of its designed use and or occupancy classification **\$1,000/\$400** (maximum/minimum);
- p) Open burning in violation of OFC Section 307, **\$400/\$150** (maximum/minimum);
- q) Failure to obtain a fire permit in accordance with OFC Section 105 **\$200/\$75** (maximum/minimum);
- r) Failure to provide premises identification **\$200/\$75** (maximum/minimum);
- s) Permitting accumulation of waste material in violation of Corvallis Fire Code **\$200/\$75** (maximum/minimum);
- t) Failure to perform required inspections and maintenance of fire protection systems in accordance with Corvallis Fire Code **\$200/\$75** (maximum/minimum);
- u) Failure to perform required fire drills and/or to mail in certification **\$200/\$75** (maximum/minimum);
- v) Parking in a marked Fire Lane **\$200/\$75** (maximum/minimum);
- w) Obstructing a fire hydrant **\$200/\$75** (maximum/minimum).

109.4.8.3 Considerations for Imposing Penalty Amount. In imposing a penalty amount pursuant to the schedule authorized in 109.4.8.2 the fire chief shall consider the following factors:

- a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;
- b) Any prior violations of statutes rules orders and permits pertaining to fire code regulations;
- c) The economic and financial conditions of the person incurring a penalty;
- d) The gravity and magnitude of the violation;
- e) Whether the violation was repeated or continuous;
- f) Whether the cause of the violation was an unavoidable accident negligence or an intentional act;
- g) The violator's cooperativeness and efforts to correct the violation.

109.4.8.4 Imposition of other penalties. Imposition or payment of a civil penalty under this Section shall not be a bar to any criminal proceeding imposed hereunder.

109.4.8.5 Procedure for issuing civil penalty. A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the unsafe building condition or fire hazard continues beyond the tenth (10th) day following issuance of the civil penalty. The notice of penalty shall be provided in the manner as described in 109.4.8.6.

109.4.8.6 Serving notice. Any civil penalty imposed under this section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. The notice of penalty shall be served personally or shall be served by depositing with the United States Postal Service addressed to the owner at the last known address as shown in the Benton County Assessors records sent certified mail return-receipt requested or by other means that allows assigned receipt via the United States Postal Service. The notice of penalty shall include:

- a) A reference to the particular provision or law violated;
- b) A statement of the matters asserted or charged;
- c) A statement of the amount of the penalty or penalties imposed;
- d) A statement of the owner's right to appeal the penalty; and,
- e) A statement that if the penalty is not paid within the time required in the penalty and any costs of service and recording fees will be recorded in the City Lien Docket and shall become a lien on the owner's property.

109.4.8.7 Posting notice. If the notice of penalty is returned to the City without service upon the named person the fire chief shall post a notice of penalty on the premises where the violation has occurred. The notice shall be posted so as to be visible from the public right of way and shall be delivered to a person if any occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a misdemeanor.

109.4.8.8 Time limitations for filing and hearing and appeal. The person to whom the notice of penalty is issued shall have ten (10) days from the date of the notice in which to appeal the penalty before the Municipal Judge, after which time the notice of penalty becomes a final order. In no case shall an appeal be held more than forty-five (45) days from the date of the personal service or mailing of the notice of penalty. The appeal shall be as provided for in 109.4.8.8, 109.4.8.9, 109.4.8.10.

109.4.8.9 Requirements for filing appeal. The appeal shall be in writing and signed by the owner or attorney for the owner. The appeal shall state the grounds of the appeal. The appeal shall be accompanied by a deposit in the amount of the civil penalty assessed and an appeal fee of \$50.00. The appeal shall be filed with the Municipal Court and served upon the City Attorney. Failure to comply with these provisions shall result in the dismissal of the appeal.

109.4.8.10 Rules of conduct for hearing and final order. The Municipal Judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issue to be decided by the Municipal Judge is determination of whether or not the condition of the property was as alleged in the notice of penalty. If the Judge finds that the alleged condition existed at the time and date specified on the notice of penalty the Municipal Judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of \$100.00. If the Judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the Municipal Judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit including the appeal fee. The Judge's order is final and not subject to appeal. It shall not be a defense that the owner did not receive the notice of penalty if mailed to the owner's address listed in the then current Benton County Assessors records.

109.4.8.11 Failure to pay penalty. Unless the amount of penalty imposed under this section is paid within ten (10) days after notice of penalty or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner's property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the order recorded. The penalty provided in the order, and added costs so recorded become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any character. The lien shall accrue

interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.595.

109.4.8.12 Release from lien. Any lien for a civil penalty may be released when the full amount determined to be due has been paid to the City; and the owner or person making such payment shall receive a receipt therefore, stating that the full amount of penalties, interest, recording fees, and service costs have been paid and that the lien is thereby released and the record of the lien satisfied.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 66, 1992; Ord. 91-24 § 2, 1991; Ord. 90-34 § 7, 1990)

Section 7.08.090 - Stop work order.

1) OFC Section 111 is adopted by this Chapter, and amended by adding Section 111.1, Section 111.2, Section 111.3, and Section 111.4 as follows:

111.1 Order. Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

111.3 Emergencies. Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation nor unsafe condition shall be liable to a fine of not less than \$100.00, or more than \$500.00.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.100 - Cost recovery procedures.

1) OFC Section 113 is amended by adding Section 113.6, Section 113.6.1, Section 113.6.2, Section 113.6.3, Section 113.6.4, and Section 113.6.5, as follows:

113.6 Cost Recovery Procedures. Whenever the fire chief has taken action to abate or cleanup a hazardous condition under the OFC Section 109, the owner of the property shall be liable for the cost of cleanup or, abatement of the condition in the manner provided in this Section.

113.6.1 Costs. The fire chief shall keep an accurate record of the expenses incurred by the City in abating or cleaning up the condition. Costs shall include, but not be limited to actual labor cost of City personnel, including workers compensation benefits and fringe benefits, cost of equipment operation, cost of materials obtained directly by the City, and cost of any contract labor and materials; plus administrative overhead in the amount of 20 percent of the sum of the foregoing costs.

113.6.2 Assessment of costs. The fire chief shall either post on the property, or serve on the owner or occupant of the property, and mail by certified mail to the owner of the property at the last known address as shown on the County tax records, a notice stating:

- 1) The fire chief's total costs of abatement, under Section 113.6.1 herein;
- 2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;
- 3) That, if the owner or person in charge of the property objects to the costs of abatement, he or she may file a written notice of objection with the City Manager not later than 10 days after the date of the notice.

113.6.3 Hearing. Upon receipt of written notice of objection within 10 days after the date of the notice, the City Manager shall appoint a hearings officer to hear and determine the objections to the costs to be assessed. The hearing shall be held within 30 days after the date of the notice.

113.6.4 Lien. If the costs of the abatement are not paid within 30 days after the date of the notice an assessment of the costs as stated in the notice or as determined by the hearings officer shall thereupon be entered in the docket of City liens. Upon such entry being made, the assessment shall constitute a lien upon the property upon which the condition was cleaned up or abated.

113.6.5 Enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from the date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 9, 1992; Ord 89-54 § 10, 1989)

Section 7.08.110 - Definitions.

- 1) OFC Section 202 adopted by this Chapter is amended to add the following:
"1 City - City of Corvallis"

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996)

Section 7.08.120 - Waste material.

- 1) OFC Section 304.1.1 as adopted by this Chapter is amended to read in its entirety as follows:

304.1.1 Waste material. Accumulation of waste paper, wood, hay, straw, weeds, litter, or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, or other similar structure. If a condition described in this Section has not been eliminated within the time limit for compliance set forth in an order or notice to abate the condition and presents a fire hazard, the fire chief may cleanup or abate the condition. The owner shall be liable for the cost of cleanup or abatement as provided in Section 109.4.7. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10, § 1, 1996; Ord 92-40 § 22, 1992; Ord. 89-54 § 20, 1989)

Section 7.08.130 - Combustible vegetation.

- 1) OFC Section 304.1.2 as adopted by this Chapter is amended to add Section 304.1.2.1 as follows:

304.1.2.1 Combustible vegetation on city parcels. The person owning, possessing, or having the care or custody of any lot or parcel of land shall cut, as close to the ground as is reasonably practical, and shall remove or destroy all brush, grass, weeds, thistles, vines, and other vegetation growing at a height of 10" or more between the months of June 1 and September 30 of each year, or when determined by the fire chief to be a fire hazard. When the fire chief determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Minimum width of a fuel break adjacent to public sidewalks, streets, bikeways, and trails shall be 10 feet. Minimum width of fuel breaks along property lines and around combustible structures shall be 25 feet unless determined to be impractical by the fire chief.

EXCEPTION: Vegetation along drainage ways in wildland and wildflower areas under public ownership, and on private lands designated as protected under federal or state legislation, can exceed the 10" limitation so long as it is not determined to be a fire hazard by the fire chief.

Parcels in the urban wildland interface areas shall also be subject to OFC Section 304.1.2.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

Section 7.08.140 - Explosives and fireworks.

1) OFC Chapter 56 as adopted by this Chapter is amended to add Sections 5601.2 and 5601.7 as follows:

5601.2 Permits and regulations. Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section.

5601.2.1 General. Fireworks wholesale sales and storage of pyrotechnics, retail sales and storage of pyrotechnics, use and handling of pyrotechnical special effects material, use in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with this article and OAR Chapter 837, Division 12.

5601.2.2 Requirements. All persons, municipalities, associations, organizations, or groups of individuals desiring to sell, discharge, fire off, explode, or display fireworks for a public display shall meet the following requirements:

- 1) Obtain a permit from the office of the State Fire Marshal, and comply with the applicable requirements of OAR 837, Div 12.
- 2) Obtain a permit from the fire chief, and comply with all reasonable rules and regulations as adopted and enforced by the fire chief for the granting of a permit for supervised public displays or sales of fireworks or items described in OAR 837, Div 12.
- 3) Provide a bond in the sum of not less than \$10,000 conditioned on the compliance of the provisions in this article and the laws, rules, and regulations of the State Fire Marshal for all public displays.
- 4) Furnish proof of financial responsibility to satisfy the claims for damage to property or personal injuries arising out of any act or omission of the part of such person, firm, or corporation or any agent or employee associated with conduct of a public display in such amount, character and form as the fire chief determines to be necessary for the protection of the public.
- 5) Every public display held within the boundaries of the jurisdiction shall be under the supervision of the Chiefs of the Police and Fire Departments and shall be of such character and so located, discharged, or fired as in the opinion of the Chief of the Fire Department, after proper inspection shall not be hazardous to property or endanger any person.
- 6)

No permit shall be issued under the provisions of this Article to a nonresident, person, firm, or corporation for the conduct of a pyrotechnic display in this jurisdiction until such person, firm, or corporation shall have appointed in writing a member of the Oregon State Bar whose major office is located in Corvallis upon whom all process in any action or proceedings against her or him may be served.

- 7) All persons, municipalities, associations, organizations, or groups of individuals desiring to sell articles described in ORS 480.127 shall obtain a permit from the fire chief and comply with all reasonable rules and regulations adopted and enforced by the fire chief for the granting of permits for sale of such items.
- 8) The fire chief may revoke permits for public display, display or sale of fireworks and other items described under the provisions of ORS 480.127 when in the fire chief's opinion, public display, display or sale of fireworks or items is not in compliance with the applicable rules and regulations governing such sale or display or is in violation of the Oregon Revised Statutes, and Administrative Rules. Permit fees shall not be refunded in the event such permits are revoked.
- 9) The City shall levy and collect from each person, organization, or entity sponsoring, owning, or operating an approved stand for the sale of exempt fireworks a fee in the amount of \$100.00 for each booth, stand, or other location where exempt fireworks are to be sold. The fee shall be paid to the City prior to and as a condition for the approval of such stand by the fire chief. The funds collected in accordance with this subsection may be used for community fireworks displays, educational, programs for fireworks safety, and the administration of this fee. The fee imposed herein shall be levied and collected on all stands now approved or to be approved by the fire chief for sales of exempt fireworks commencing in 1989.

5601.7 Seizure.

5601.7.1 General. The fire chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or pyrotechnics special effects material offered to expose for sale, stored, or held in violation of this Article.

5601.7.2 Post seizure notices. After items or materials which are prohibited by the terms herein have been taken into custody by the fire chief notice must be provided to the person who was in possession of the contraband. The notice must describe the nature and number of the items seized and the rights the person has to a hearing described further herein.

5601.7.3 Requests for hearing. A person claiming ownership of the contraband must request a hearing within five days after receipt of the notice. The request may be made in person or in writing and the failure to appear in person or deliver a letter within five days after receipt of the notice by the person claiming possession, shall act as a waiver of the right to a hearing. The request for a hearing must be delivered to the fire chief within the time specified above.

5601.7.4 Hearing. Upon request of the person claiming rights of possession of the contraband a hearing shall be held before a hearing officer appointed by the City Manager. The hearing shall be set and conducted within 48 hours of the receipt of the request, holidays, and Saturdays and Sundays not to be included. The hearing can be set for a later date if the person claiming possession so requests. At the hearing the person claiming possession may contest whether the materials or items seized constitute contraband prohibited by the Code of the City.

5601.7.5 Findings of hearing officer. If the hearings officer finds that the action of the fire chief was valid the hearings officer shall order that the contraband shall be destroyed. If the hearings officer finds that the action of the fire chief in taking the contraband into custody was improper, the hearings officer shall order the material released to the person claiming possession. If the owner does not appear at the scheduled hearing the hearings officer shall deem that the request has been withdrawn and order that the contraband shall be destroyed.

5601.7.6 Manufacturing. The manufacturing of fireworks is prohibited except under special permit as required by local and state regulations. See Section 105.6.15.

5601.7.7 Pyrotechnic special effects material. A permit is required to manufacture, compound, store, or use pyrotechnic special effects material. A permit for use shall be granted only to a pyrotechnic operator. See Section 105.6.37.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord 93-40 § 33, 1992; Ord. 89-54 § 28, 1989)

Section 7.08.150 - Cleanup or abatement of hazardous materials; liability for costs.

1) OFC Section 5001 is amended to add Sections 5001.7, 5001.7.1, 5001.7.2, 5001.7.3, and 5001.7.4 as follows:

5001.7 Responsibility for cleanup and liability for costs.

5001.7.1 General. The fire chief is authorized to cleanup or abate the effects of any hazardous material deposited upon or into property or facilities of the City and any person or persons who caused such deposit shall be liable for the payment of all costs incurred by the City as a result of such cleanup or abatement activity. The remedy provided by this Section shall be in addition to any other remedies provided by law.

5001.7.2 Definitions of hazardous materials for purposes of this section. For purposes of this Section, hazardous materials shall be defined as any substances or materials in a quantity or form which in the determination of the fire chief or authorized representative, poses an unreasonable and imminent risk to the life, health, or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables, and corrosives.

5001.7.3 Description of costs. For purposes of this Section costs incurred by the City shall include, but shall not necessarily be limited to, the following actual labor costs of City personnel, including workers' compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of materials obtained directly by the City, and cost of any contract labor and materials.

5001.7.4 Limitation. The authority to recover costs under this Section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 61, 1992; Ord. 89.54 § 46, 1989)

Section 7.08.160 - Establishment of limits in which storage of liquefied petroleum gases is to be restricted.

1) OFC Section 6104 as adopted by this Chapter is amended to add Section 6104.2.1 as follows:

6104.2.1 LPG Storage Limits. The limits as referenced in OFC Section 6104.2 apply to all properties in the city except for those sites in General Industrial and Intensive Industrial districts which will be reviewed for quantities in excess of 2000 gallons of liquefied petroleum gas. Upon completion of the Plan Compatibility Review procedures of the Land Development Code, approval for storage of such additional quantities may be granted by the fire chief.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 4, 1992; Ord. 89-54 § 5, 1989)

Section 7.08.170 - Establishment of limits in which storage of flammable or combustible liquids in outside above ground tanks is prohibited.

1) OFC Chapter 57 as adopted by this Chapter is amended to add Sections 5704.2.9.6.1.7 and 5706.2.4.4.1 as follows:

5704.2.9.6.1.7 Locations where above ground tanks are prohibited. Storage of Class I and II liquids in above ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. The limits referred to above, in which storage of Class I and II liquids in outside above ground tanks is prohibited, include all areas of the City except those sites in General Industrial and Intensive Industrial districts which may hereafter be given specific approval for such use by the fire chief after review through the Plan Compatibility Review procedure of the Land Development Code.

5706.2.4.4.1 General industrial and intensive industrial districts. The limits referred to in OFC Section 5706.2.4.4 in which storage of Class I and II liquids in outside above ground tanks is prohibited, include all areas of the City except those sites in General Industrial and Intensive Industrial districts which are hereafter given specific approval for such use by the fire chief after review through the Plan Compatibility Review procedure of the Land Development Code.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 89-54 § 4, 1989)

Section 7.08.180 - Non-liability of the City for damage.

1) OFC Section 103.4 as adopted by this Chapter is amended to add Section 103.4.1 as follows:

103.4.1 Non-liability of the City for damage. This Chapter shall not be construed to relieve from or lessen the responsibility of any person for damage to anyone injured or damaged by any hazards therein, nor shall the City or any agent thereof be held as assuming any such liability by reason of inspection authorized hereunder or by issuing a certificate of inspection or for failure to inspect or for failure to find a defect.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 98-54 § 48, 1989)

Section 7.08.190 - Defined and expanded extinguishment authority.

1) OFC Section 307.3 as adopted by this Chapter is amended to add Section 307.3.1 as follows:

307.3.1 Expanded extinguishment authority. In addition to those controlled fire activities identified within the fire code definition of open burning and recreational fires, the fire code official is authorized to order cessation of those burning activities which generate offensive or objectionable smoke or odor emissions, including those activities regulated by Section 308 - Open Flames. Examples of controlled smoke/odor activities include, but are not limited to: use of barbecue grill or pit, chimney, open flame cooking device, incinerator, outdoor fireplace, and similar warming fires.

(Ord. 2014-08, § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2008-01 § 1, 01/07/2008)

Section 7.08.200 - Aerial apparatus access.

1) OFC Section D105 as adopted by this Chapter is amended to add Sections D105.1, D105.1.1, D105.4, D105.5, and D105.5.1 as follows:

D105.1 Where required. Building or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.1.1 Building height definition. For the purposes of Section D105.1 building height is measured from the lowest level of approved fire department vehicle access to the highest peak on the roof line.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to Building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the Fire Marshal.

D105.4 Obstructions. Overhead utility and power lines shall not be located over aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the Fire Marshal.

D105.5 Modifications. For residential structures up to and including 40 feet in height as defined by Appendix D105.1.1, fire aerial apparatus access roads and specifications are allowed to be modified by the Fire Marshal where the following condition applies:

D105.5.1 Automatic fire sprinkler system. A building has been equipped with an automatic fire sprinkler system that was not prescriptively required by the 2014 OFC, OSSC, or ORSC. The system shall be installed in accordance with the provisions of NFPA 13, NFPA 13R, or NFPA 13D.

(Ord. 2014-08, § 1 and § 2, 07/21/2014)

TO: Urban Services Committee for October 6, 2015
FROM: Mary Steckel, Public Works Director *MS*
DATE: September 25, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWSAIC*
SUBJECT: Review of Council Policy CP 9.03 Parking Permit Fees



Action Requested:

Staff recommends City Council affirm Council Policy CP 9.03 Parking Permit Fees.

Discussion:

In March, staff brought the parking permit Council Policy to the USC for review (attachment A). The discussion focused on the residential parking district (RPD) program and whether RPD fees and fines should be set to fully recover the costs to administer, maintain, and enforce the program. The USC directed staff to come back with more information, specifically (1) to explore creating a minimum citation fine amount for RPD program violations and (2) to research alternative sources of revenue to resolve the current deficit for program administration.

In April, USC addressed the minimum citation fine amount and recommended an ordinance change to create a mandatory minimum sentence of \$35, which was approved by the City Council on April 20, 2015.

In May, staff met with OSU about cost-sharing options. Alternatives for the current situation were discussed as well as options to address the larger issue of the most effective way to transport OSU-related traffic to campus without impacting neighborhoods. If the number of vehicles traveling through the community to campus could be reduced, progress could be made on several fronts (neighborhood parking, safety for bicycles and pedestrians, etc.). The most realistic and sustainable way to accomplish this is to enhance transit service, especially frequencies. City and OSU staff agree this is the path forward most likely to produce the greatest benefits and OSU is interested in further discussing financial support in the context of that broader issue. Providing fractured support for a number of discrete programs is not preferred and OSU has not made a formal offer to subsidize the RPD program.

Recommendation:

The FY 13-14 costs for RPD program administration (permit printing and sales, and sign maintenance) was \$17,300. The FY 13-14 revenue received from RPD permit fees was \$10,940. In order for the administration piece of the program to be self-supporting, revenues would need to increase about 63%. In the absence of a near-term, new source of revenue, the burden to achieve this increase would be on the permit fee. A 63% increase would take the current \$15 annual fee to approximately \$25.

The USC could choose to:

1. Leave the permit fee at \$15 and accept the current Parking Fund subsidy (about \$6,400).
2. Raise the permit fee to \$20 and reduce the Parking Fund subsidy to about \$2,800.
3. Raise the permit fee to \$25 and achieve cost-recovery for RPD program administration.

Selecting the first option would require only an affirmation of the current Council Policy as written (attachment B). Selecting either of other two options would require a change to the Council Policy and approval by the full Council.

Budget Impact:

There would be no expenditure budget impact from any of the actions in the Recommendation section above.

Attachments: A – February 2015 Staff Report to USC
B – Council Policy CP 9.03

Attachment A

*** MEMORANDUM ***

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

DATE: February 25, 2015

SUBJECT: Review of Council Policy CP 9.03 Parking Permit Fees

ISSUE

City Council Policy CP 9.03, Parking Permit Fees, is reviewed every two years by the Public Works Director and revised as appropriate by City Council.

BACKGROUND

This policy sets the fees for Residential Parking District (RPD) permits and for 10-hour parking permits as per Corvallis Municipal Code (CMC) Chapters 6.15 and 6.11, respectively.

The policy was first adopted in May of 1988 to establish the annual permit fee for the RPDs as provided in CMC Chapter 6.15. The fee applies to permits for all three districts, A, B and C, and has been \$15 since October of 2005.

A cost-recovery philosophy has been applied to the RPD program, which means that the revenues generated from the sale of permits and from the fines for illegal parking are set to fully recover the costs to administer, maintain and enforce the program. The proportion of revenue generation between the two sources can take a variety of forms. However, balancing program needs on citation revenue it is not necessarily a preferred approach because it exposes the enforcement staff to accusations of writing tickets to meet a 'quota'. On the other hand, previous Councils espoused the belief that the burden for recovery of the program costs should be on those who violate the parking regulations in the district and not on the residents.

When the Council Policy was reviewed in 2011, staff recommended and the City Council elected to keep permit fees the same and to raise the minimum fine for RPD citations from \$20 to \$40 to ensure sufficient revenues from all sources to cover program costs.

On June 2, 2014, following extensive work by the Urban Services Committee and the Public Works Department and with significant public input, the Council approved a major expansion of the residential parking district program. That expansion would have raised the price of an annual permit from \$15 to \$20. However, following referral to the ballot for the November general election, the proposed expansion was rejected by voters.

The fee for a permit to park at a 10-hour meter or 10-hour pay station was established through a revision to the policy in October of 2004. This permit is intended to encourage the use of these 10-hour spaces by people working and living in the downtown core. The current fees were reviewed in 2007 in conjunction with a city-wide meter rate review and were increased at that time to \$28 for one month, \$83 for 3 months, and \$303 for one year.

DISCUSSION

Residential Parking District Permit Fee

The total costs associated with the residential parking district program cover four main activities—administration, maintenance, enforcement, and adjudication. The revenue to offset these costs comes from the sale of permits and the fines for parking violations.

Program Costs - The cost for administration of the program includes printing of permits and staff time to issue permits and deposit payments. The approximate annual cost for administration of the RPD program in FY13-14 was \$9,000. In the past, maintenance costs have not been factored into the overall program cost, so historical information is not available. For FY 15-16, the estimated cost for maintenance of signage in the RPDs, which includes both staff time and materials for inspection, cleaning, and replacement of damaged signs and poles, is \$8,300.

The estimated annual cost for Parking Enforcement staff to enforce the parking district regulations and for Municipal Court staff to conduct related activities to process these is \$119,100 and \$63,500 respectively, for a total of \$182,600.

The combined annual cost for administration, maintenance, enforcement, and adjudication is \$199,900.

Program Revenues - There were 742 permits issued in FY13-14, resulting in approximately \$10,940 in revenue. Revenue generated from fines in that period was \$136,400. The Municipal Court Judge sets the bail (fine) to be within the range prescribed in the CMC and usually near the minimum. The current CMC sets the fine as not less than \$40 or more than \$100 and the bail is currently set at \$50. The total revenue from these two sources in FY13-14 was \$147,340.

Cost Recovery - Currently, the combined costs for administration, maintenance, and enforcement of the program (\$199,900) exceed the program revenues (\$147,340) by approximately \$52,500. To continue with a cost-recovery model, more revenue needs to be generated through increases in fines and/or permit rates.

The current proportional balance between revenue streams attempts to recover the administrative and maintenance costs from the permit fees and to recover the enforcement and court-related costs from fines. However, the current rates for both permits and fines aren't accomplishing that objective.

There are three options to bring the cost-recovery model back into alignment--permit fees can be raised to make up the shortfall (Alternative #1 below), permit fees and fines can be raised to cover their proportional balance (Alternative #2), or fines can be raised to make up the shortfall (Alternative #3). The illustrations of these options assumes an annual level of 742 permits and 4,180 citations¹.

¹ Based on historical data, the revenue generated by permit sales is 98% of the face value of the permit fee times the number of permits sold. This is because permit prices are prorated beginning ten months into the year. Similarly, revenue collected from citations is on average 65% of the \$50 bail, reflecting adjustments made by the Municipal Court Judge to individual citations, and the fact that some percentage of citations go unpaid. Because of these two conditions, staff assumed a similarly reduced percentage will be collected from the face value of permits and fines. If a figure closer to the face value of the bail were collected on citations, the bail rate would need just a minor adjustment for the program to be self-supporting.

Alternative #1 - Additional revenue needed to cover program costs is generated by raising the permit fees.

Alternative #1— increase permit fees only

742 permits	@	\$ 90 permit fee x 0.98 =	\$ 65,440	
4,180 citations	@	\$ 50 fine x 0.65 =	<u>\$135,850</u>	
		Total revenue =	\$201,290	(surplus of \$1,390)

Alternative #2 - Additional revenue needed to cover program costs is generated by raising each revenue stream to achieve the proportional balance (i.e., permits fees cover administration and maintenance; fines cover enforcement and adjudication).

Alternative #2—increase both permit fees and fines

742 permits	@	\$ 25 permit fee x 0.98 =	\$ 18,180	
4,180 citations	@	\$ 65 fine x 0.65 =	<u>\$176,605</u>	
		Total revenue =	\$194,785	(deficit of \$5,115)

Alternative #3 – Additional revenue needed to cover program costs is generated by raising the fine amount.

Alternative #3—increase fines only

742 permits	@	\$ 15 permit fee x 0.98 =	\$ 10,900	
4,180 citations	@	\$ 70 fine x 0.65 =	<u>\$190,190</u>	
		Total revenue =	\$201,090	(surplus of \$1,190)

A fourth alternative is presented to illustrate one way to generate additional revenue beyond the annual program costs that could be used to “pay back” the Parking Fund for the subsidy provided in the past year. With an annual surplus of just under \$26,000, it is estimated that the payback will take two years to accomplish. Additional revenue from that point on should absorb program increases for several more years without the need for an increase in either permit or fine costs.

Alternative #4—recover costs and pay back the Parking Fund

742 permits	@	\$ 30 permit fee x 0.98 =	\$ 21,810	
4,180 citations	@	\$ 75 fine x 0.65 =	<u>\$203,770</u>	
		Total revenue =	\$225,580	(surplus of \$25,680)

Any combination shown of raising the permit fee and the fine can be accomplished without a change to the CMC, since the range for the fine amount established in the CMC is not less than \$40 or more than \$100.

10-Hour Parking Permit Fee

The 10-hour parking permit program includes the printing, promotion, sale, and information management of the permits. The costs to administer the program are minimal. Meter rates, including pricing for the 10-hour permits, were reviewed and adjusted in 2007. As meter rates have not changed since that time, no adjustment is currently proposed for the 10-hour parking permit.

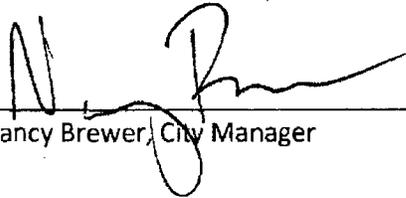
REQUESTED ACTION

Staff is seeking direction from USC on the following questions:

1. Should a cost-recovery model continue to be used for the RPD program?
2. If yes, what should be the cost-recovery philosophy employed (i.e., burden of the program costs supported by one or the other of the revenue sources, different aspects of the program expenditures covered by a particular revenue stream, etc.)?
3. Based on the desired philosophy, what changes to the revenue streams, if any, are needed to achieve that goal?

If changes are recommended to Council Policy CP 9.03, staff will develop a draft that aligns with USC's direction and will include it with the minutes from this meeting in the next City Council packet.

Reviewed and concur:



Nancy Brewer, City Manager

Attachments: Council Policy 9.03 (current)

	<p>City of Corvallis</p> <p>City Council Policy – Right -of-Way Matters Attachment B</p> <p>Policy # 9.03</p> <p>Parking Permit Fees</p>	
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Policy: Ten-hour parking permit fees and residential parking district permit fees shall be established by the City Council.

Purpose: To carry out the provisions of Corvallis Municipal Code Chapters 6.11 and 6.15, as amended, regarding ten-hour parking permit fees and residential parking permit district fees.

- Guidelines:**
- a. Corvallis Municipal Code Section 6.11.380 states that ten-hour parking permit fees and terms shall be determined by the City Council. The Council hereby sets the fees and terms as follows:
 1. The fee for a permit to park at a ten-hour metered parking space in downtown Corvallis shall be:
 - \$28.00 for one month;
 - \$83.00 for three months;
 - \$303.00 for one year.
 2. The permits are issued based on a full calendar month, however the cost for a permit may be prorated to the following:
 - \$14.00 for one half month
 - \$69.00 for two and a half months
 - \$290.00 for eleven and a half months
 - b. Section 6.15.040 4) states that residential parking permit fees shall be determined by the City Council. The Council hereby sets the fees as follows:
 1. Upon application by the owner or the operator of a motor vehicle who resides within a residential parking district or operates a business within the district, the annual fee is \$15.00 per permit.
 2. All other requirements relating to residential parking permit districts, including limitations on number of permits, shall be subject to the provisions of Corvallis Municipal Code Chapter 6.15, as amended.
-

Responsibility: The Public Works Department is responsible for administration of the parking permit programs, including printing and permit sales. The Public

Works Department is also responsible for maintenance of residential parking district signage.

The Police Department is responsible for enforcement of the residential parking districts and the ten-hour meters.

The Finance Department is responsible for processing citations, including collection of fine payments and duties related to review by the Municipal Judge for citations that are appealed to the Municipal Court.

Review/Update: The Public Works Director will prepare this Council Policy review every two years in October years for Council approval.

Rev #	Name	Change Date	Character of Change
0		05-02-1988	Adopted
1		10-07-1991	Affirmed
2		12-20-1993	Revised
3		11-06-1995	Revised
4		10-20-1997	Affirmed
5		10-18-1999	Affirmed
6		12-17-2001	Revised
7		11-03-2003	Affirmed
8	S. Rogers	10-04-2004	Revised
9	S. Rogers	10-17-2005	Revised
10	S. Rogers	12-17-2007	Revised
11	S. Rogers	01-07-2008	Revised
12	M. Steckel	11-21-2011	Affirmed
13			

TO: Urban Services Committee for October 6, 2015
FROM: Mary Steckel, Public Works Director *MS*
DATE: September 28, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Periodic Review of Council Policy 9.04, Street Lighting Policy



Action Requested:

Staff requests the Urban Services Committee recommend approval of Council Policy 9.04 as revised to the City Council.

Discussion:

Council Policy 9.04 was adopted in 1975 and last modified in 2011. It is intended to establish standards and guidelines for the installation and removal of street lights.

Currently there are 3,089 street lights within City limits. Utility companies own and maintain 2,939 flat rate utility fee street lights; 150 street lights are owned, metered and maintained by the City. All new street lights are City owned.

Modification to Council Policy 9.04 (attached) includes additional language in Sections g and h of the Guidelines to clarify "affected property owners" as those whose properties are located on the same street and within 300 feet (a typical City block) of the proposed street light addition/removal.

Section i has been added to reflect current street light installation practices. Historically, new street lights were installed by the power company at no charge. With the City assuming ownership of all new street lights, the cost of new installations has been assigned to the requesting party.

Staff also recognizes that Guidelines Section d, which references street lighting on unimproved City streets, may need to be modified in the future, depending on the outcome of current discussions dealing with unimproved public streets in our community.

Budget Impact:

The cost to install new street lights is the responsibility of the requesting party. The ongoing operational cost of a new street light is approximately \$30 per year.

Attachment

	<p>City of Corvallis</p> <p>City Council Policy – Right-of-Way Matters</p> <p>Policy # 9.04</p> <p>Street Lighting Policy</p>	
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- Policy:** The City of Corvallis ~~is interested in~~ **desires** well **placed**, shielded, energy-efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass and bright skies.
-
- Purpose:** To establish a policy regarding the installation **and removal** of street lighting devices.
-
- Scope:** **This policy will apply to new street light requests and street light removal requests.**
-
- Goal:** **Establish a consistent and efficient process that enhances public safety through the proper placement of street lights in the public right-of-way (ROW).**
-
- Guidelines:**
- a. Standard placement of street lights shall be at intersections, in the middle of long blocks, and at the end of dead end streets and long cul-de-sacs.
 - b. Approval of the City Council shall be secured for major additions or revisions to the street lighting system (2% ~~percent~~ of the system or greater). Minor additions or revisions to the system shall be approved by the City Manager or his/her designee.
 - c. The City Manager or designee shall designate the type, size, location, and spacing of all street lights within the City, considering type of street usage (arterial, collector, or residential), and the economics of the street light installation. ~~Effective July 1, 1994, a~~ **All new subdivision street lights and future street light luminaire replacements within the existing street light system shall be flat-lens, fully shielded luminaries.**
 - d. Street lighting benefits the entire community and, therefore, should not be limited to improved sections of roadway only. ~~Where street lights can be secured at no cost for the initial installation, they may be approved.~~ (This Policy will generally be limited to subdivisions or areas served with overhead distribution systems. Underground

distribution systems or unimproved roadways complicate street light installations, due to the unknown nature of roadway width, sidewalk locations, trenching required, and roadway location within the right-of-way ROW.)

- e. The City Manager or designee shall maintain street light mapping in the City's Geographic Information System (GIS) showing the location and type of street light facilities, as well as an up-to-date file system indicating additions or deletions to the system.
- f. The City Manager or designee shall designate the timing of energizing street light installations within new subdivisions, considering the extent of development and the occupancy of structures.
- g. Street Light Installation - ~~If residents desire street lights in addition to the guidelines noted above, they may be approved if they can be installed at no cost to the City.~~ Requests to City staff for **additional street lights** will result in an administrative process that includes a survey of the affected property owners **located on the same street and within 300 feet of the proposed light** to determine if more than 50% percent support the installation.
- h. Street Light Removal - A neighborhood may petition to remove street lights. A total of 100% percent of the affected **owners of properties located on the same street and within 300 feet of the street light**, as determined by the City Manager or designee, must agree to the removal, along with the City's emergency services departments, before an existing light is removed.
- i. **The cost for expansion of the City's street lighting system will be paid for by the requesting party.**

Review/Update: ~~This Right of Way Matters Policy shall be reviewed every four years in October by the Public Works Director and updated as appropriate will~~ **prepare this Council Policy for review every four years for Council approval.**

Rev #	Name	Change Date	Character of Change
0		April 21, 1991	Adopted
1		October 7, 1991	Affirmed
2		August 1, 1994	Revised
3		October 18, 1999	Revised
4		November 3, 2003	Revised
5		November 5, 2007	Revised

Council Policy # 9.08

6		October 17, 2011	Revised
7	M. Steckel	October 20, 2015	Revised

From: JON D POLANSKY
Sent: Monday, October 05, 2015 6:51 AM
To: Ward 2; Ward 1; Ward 3
Cc: City Manager; Barbara Bull; Russell, Kevin
Subject: Parking District Process Changes

Dear Urban Services Committee,

I am in favor of your considering changes to the process to form or add to parking districts. I have the following concerns as you move forward:

1. The current process would make it difficult to impossible should we ever want to create a parking district in our Cole's Crossing neighborhood. We are 21 houses on two streets with no home owners association or neighborhood association. It would be beneficial if residents of one street could make the decision regardless of the number of houses on the street. Deon Drive for example is located in an area more likely to attract student parking than the more interior street which is Cole's Place. We are NOT having a parking issue at this time.
2. Please also take the following scenario into account which involves larges student housing complexes and in particular the new 1, 016 bedroom project called The Retreat. There are a few public side streets within The Retreat that provide a significant amount of overflow parking, guest parking and parking for those who do not want to pay monthly to park in Retreat parking lots. The Retreat recently installed "No Parking" signs along three public side streets and City staff had them remove those illegal signs the next day. We do not want Retreat resident parking to spill into our neighborhood. The wording you change about creating parking districts should not allow a major landlord/property owner form a parking district to the disadvantage of its tenants and surrounding neighborhoods.

Thank you for your consideration and service.

Sincerely,

Jon Polansky
Resident