

OROVILLE MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 876, passed February 5, 2019.

See the Code Comparative Table and Disposition List for further information.

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PREFACE

The Oroville, Washington Municipal Code, originally published by Book Publishing Company in 1972, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

Beginning with Supplement No. 5, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of John T. Moran, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 5, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance No. 876, passed February 5, 2019.

Municipal Code Corporation
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Ord. No.	Date Adopted	Include/ Omit	Supp. No.
855	10-18-2016	Omit	11
856	10-18-2016	Include	11
857	11- 1-2016	Omit	11
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863	11-21-2017	Omit	12
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865	12-19-2017	Omit	13
866	3-20-2018	Omit	13
867	4- 3-2018	Include	13
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869	8-21-2018	Include	13
870	8-21-2018	Omit	13
871	10- 2-2018	Omit	13
872	10- 2-2018	Omit	13
873	11-20-2018	Omit	13
874	12- 4-2018	Omit	13
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Title 5BUSINESS LICENSES AND REGULATIONSChapters:

- 5.04 Public Utility Franchises
- 5.08 Reserved
- 5.12 Reserved
- 5.16 Secondhand Dealers and Pawnbrokers
- 5.20 Public Dances
- 5.24 Sexually Oriented Businesses

Chapter 5.04PUBLIC UTILITY FRANCHISES*Sections:

- 5.04.010 Purchase price.
- 5.04.020 Granting period.
- 5.04.030 Service classification--Rates.
- 5.04.040 Application--Hearing.
- 5.04.050 Council supervision and control.

5.04.010 Purchase price.

Upon the purchase, or the condemnation and purchase, by the city, of the property and franchises of any person or corporation holding or operating or doing business under any franchise granted by the city, only the reasonable and actual value of the tangible property actually and necessarily used in or connected with the business shall be paid for by the city and nothing shall be paid for the franchise. (Ord. 28 §2, 1909).

5.04.020 Granting period.

No franchise shall be granted for a period of longer than twenty-five years and no exclusive franchise shall be granted. (Ord. 28 §3, 1909).

***State law reference**—For the statutory provisions authorizing fourth class cities to grant franchises to public utilities, see RCW 35.27.370(12).

5.04.030 Service classification--Rates.

In each franchise granted, the council may, in its discretion, and as a condition precedent to granting the franchise, require the applicant therefor to classify its service and fix a maximum rate or price for each class of service, and the council may insert in such franchise the maximum rate or price for each class of service as a condition precedent to granting the same and provide that such franchise shall become null and void upon the holder or owner thereof charging a higher rate or price for each class of service than is fixed in the franchise as the maximum rate or price of each class of service. In case the council elects to exercise its right to declare the franchise null and void, either upon its own initiative or upon complaint of a citizen of the town, in writing, filed with the town clerk/treasurer, notice of the time and place of hearing and the nature of the complaint, shall be given as provided in Section 5.04.050. (Ord. 28 §5, 1909).

5.04.040 Application--Hearing.

An application for franchise to use any of the streets, alleys, or public places in the town shall be made in writing and shall be filed with the town clerk/treasurer, upon application being made and filed the council shall fix a time and place for hearing the same and shall cause the town clerk/treasurer, at the expense of the applicant, to give public notice thereof, by posting written or printed notices in three public places in the town and at least one conspicuous place on the streets, alleys or public places or parts thereof, for the use of which, application is made, at least fifteen days prior to the day fixed for such hearing and by publishing a like notice three times in the official newspaper of the town, the last publication to be at least five days prior to the day fixed for such hearing, which said notice shall contain a copy of the proposed franchise and shall state the name or names of the applicant therefor, a description of the streets, alleys, or public places or parts thereof, for the use of which the application is made, and the time and place fixed for the hearing; if the application is for a franchise for the use of all of the streets, alleys and public places of the town, then it shall be a sufficient description of such streets, alleys and public places to so specify in the application. The hearing may be adjourned from time to time, by order of the council.

At the time of such hearing the applicant shall file with the town clerk/treasurer, a petition favoring the proposed franchise, signed by at least three-fifths of the qualified electors of the town, to be based and calculated upon the number of votes cast at the last municipal election held in the town, provided, that the registration of the electors is not required to qualify them as such petitioners. The petition shall be headed or prefaced by a plainly type-written or printed copy of the proposed franchise. If, after said petition has been filed and notice given as herein required and a hearing had thereon, the council deems it to be for the public interest to grant such franchise in whole or in part; it may make and enter the proper order granting the franchise as published and applied for, with such changes and modifications thereof as the council deems to be for the public interest, and the council may require a bond in a reasonable amount from the person or corporation obtaining franchises, conditioned for the faithful performance of the conditions and terms of the franchises, and providing for a recovery on such bond, in case of failure of such person or corporation to perform the conditions and terms of such franchises. (Ord. 64 §1, 1914)

5.04.050 Council supervision and control.

In each franchise granted the council shall retain supervision and control of the construction and maintenance of the proposed system of works under any franchise granted, and shall reserve unto the city the right and privilege to regulate and control the manner and the quality of the service to be rendered by the recipient of the franchise, either upon its own initiative or upon a complaint of a citizen of the city in writing, filed with the clerk/treasurer. In exercising the foregoing rights and powers to regulate and control the manner and quality of the service, notice in writing, stating the time and place of hearing, and the nature of the complaint, shall be given to the holder of the franchise, and to the complainant, in case said matter has been initiated by complaint, the date of the hearing to be not more than sixty nor less than twenty days after service of such notice on the holder of the franchise and the complainant. Service of the notice shall be made in the manner provided by statute for service of summons in civil actions. (Ord. 64 §2, 1914).

Chapter 5.08RESERVED*Chapter 5.12RESERVED†Chapter 5.16SECONDHAND DEALERS AND PAWNBROKERSSections:

- 5.16.010 Definitions.
- 5.16.020 License--Application--Fee.
- 5.16.030 License to be displayed.
- 5.16.040 Recordkeeping.
- 5.16.050 Inspection authority.
- 5.16.060 Report of lost or stolen property.
- 5.16.070 Retention of property.
- 5.16.080 Sale of pledged property.
- 5.16.090 Receiving property from certain persons prohibited.
- 5.16.100 Violation-Penalty.

5.16.010 Definitions.

The words set forth in this section shall, for the purposes of construing this chapter, be defined as follows:

"Pawnbrokers" means and includes every person engaged in whole or in part in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

"Secondhand dealer" means and includes every person engaged in whole or in part in the business of purchasing,

***Editor's note**—Ord. No. 876, § 1, adopted February 5, 2019, repealed Chapter 5.08, §§ 5.08.010--5.08.210 which pertained to licenses and regulations--certain activities and derived from Ord. No. 153, 1940; Ord. No. 384, 1983 and Ord. No. 504, 1940.

†Editor's note—Ord. No. 876, § 2, adopted February 5, 2019, repealed Chapter 5.12, §§ 5.12.010--5.12.050 which pertained to vending and music machines and derived from Ord. No. 133, 1941; Ord. No. 146, 1941; Ord. No. 505, 1993; Ord. No. 511, 1993 and Ord. No. 609, 1999.

selling, trading, consignment selling or otherwise transferring for value, secondhand property including, but not limited to, metal, junk, melted metals, precious metals. "Secondhand dealer" also includes persons or entities conducting business at flea markets or swap meets, more than three times per year. (Ord. 550 §1, 1995).

5.16.020 License--Application--Fee.

It is unlawful for any person in any manner to engage in or conduct any business as a secondhand dealer or pawnbroker within the city, without first having in full force and effect a

Title 9

PUBLIC PEACE, MORALS AND SAFETY

Chapters:

I. GENERAL PROVISIONS

- 9.03 State Statutes
- 9.06 Penalties
- 9.08 Recovery of Costs for Emergency Response

II. CRIMES AGAINST PUBLIC OFFICERS

- 9.12 Bribery
- 9.15 Interference

III. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

- 9.20 Weapons
- 9.22 Parks
- 9.24 Condemnation of Dangerous Buildings
- 9.25 Unmanned Aerial Systems
- 9.26 Abuse of 911 System
- 9.28 Entering Upon Dikes

IV. CRIMES AGAINST THE PERSON

- 9.30 Assault
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V. CRIMES AGAINST MORALITY OR DECENCY

- 9.40 Possession of Marijuana
- 9.44 Alcohol at the Depot
- 9.48 Enhanced Penalties for Drug-Related Violations

VI. CRIMES AGAINST PUBLIC PEACE
(Reserved)

VII. CRIMES AGAINST PROPERTY

- 9.60 Fraud

9.64 Graffiti Nuisance

VIII. CRIMES AGAINST MINORS

9.72 Curfew

9.76 Parental Responsibility for Juvenile
Dependents

IX. MISCELLANEOUS CRIMES

9.81 Civil Rights

9.84 Checks or Drafts

building official within the time named. (Ord. 507 §4, 1993: Ord. 127 §2, 1936).

9.24.030 Hearing.

(a) If any premises, property or building is deemed dangerous by the city building official, and the same is not removed as provided in Section 9.24.020, then the city council may cause to be served upon the owner or agent of such property, premises or building, a notice to appear before the city council on the date stated in the notice (not less than three days after the service thereof) and show cause, if any there be, why the premises, property or building should not be condemned and removed.

(b) If the council determines after a hearing that said property constitutes a nuisance or that the same is dangerous, the owner or owners shall proceed promptly and continuously to tear down and remove the building and put the premises in a safe condition.

(c) It is unlawful for any owner or agent of property to permit any building or premises to remain in a dangerous condition after notice thereof and a reasonable time thereafter for the removal of any building and reasonable time for putting dangerous premises in a safe condition. (Ord. 507 §5, 1993: Ord. 127 §3, 1936).

9.24.040 Removal--Lien.

Upon conviction of the owner or agent of any building of a violation of this chapter, or any part thereof, the city council may proceed to tear down and remove any building or part of any building condemned by the city council and may at the expense of the owner of the property do any matter or thing required by the terms and provisions of this chapter of the owner of any property, and the expense thereof shall be a lien upon the property involved and upon the real estate upon which the building is situated and may be enforced by any appropriate action or proceeding in any competent court. (Ord. 127 §5, 1936).

Chapter 9.25

UNMANNED AERIAL SYSTEMS

Sections:

9.25.010 Definitions.

- 9.25.020 Intent.
 9.25.030 Prohibited UAS operation.
 9.25.040 Violation a civil infraction--Penalty.

9.25.010 Definitions.

"City jurisdiction" means any city owned, leased or associated properties, and properties within the Oroville City Limits including events sponsored by the city of Oroville regardless of location.

"First person view" means that the controller operated by the UAS pilot has a video display that allows the pilot to see what the forward pointing camera of the UAS sees, for the purpose of navigation.

"Unmanned aerial systems (UAS(s))" include drones or other remotely piloted aircraft along with any required controller and camera system, as defined by the Federal Aviation Administration (FAA).

(Ord. No. 869, § 1, 8-21-2018)

9.25.020 Intent.

It is the intent of the city of Oroville to preserve freedoms, protect privacy and ensure public and individual safety while allowing UASs to operate. To that end, these rules must be followed by any individual, group or entity operating a UAS within the city jurisdiction.

(Ord. No. 869, § 1, 8-21-2018)

9.25.030 Prohibited UAS operation.

(1) It is unlawful to operate a UAS(s) without complying with the following rules:

(a) All current FAA regulations must be followed while flying UAS(s).

(b) All UAS vehicles must be clearly marked with a valid FAA registration number.

(c) All UAS vehicles must be flown within your line of sight.

(d) Flights over neighborhoods and properties belonging to other people must be done with an altitude of at least one hundred fifty feet, without pause or video recording, unless permitted by the property owner. First person view for drone control is allowed.

(e) Never fly near other aircraft, especially near airports.

(f) Never fly near emergency response events, unless the operation of the UAS is an integral and approved part of the response.

(g) Never fly under the influence of drugs or alcohol or in a reckless manner, or at such a speed that it could cause injury or damage to property.

(h) Never fly near or over groups of people or over any event where the public is expected to attend, without permission from the city. Permission to operate a UAS at public events may be considered with application to the city.

(Ord. No. 869, § 1, 8-21-2018)

9.25.040 Violation a civil infraction--Penalty.

Failure to perform any act required, or the performance of any act prohibited by this chapter is designated as a civil infraction and any person, firm or corporation found to have committed such a civil infraction shall be assessed a monetary penalty. The penalty for the first infraction shall be one hundred twenty-five dollars. The penalty for the second infraction shall be one hundred seventy-five dollars. The penalty for the third and subsequent infraction(s) shall be two hundred twenty-five dollars. Each infraction shall be deemed a separate offense and separate penalties may be assessed for each separate offense. (Ord. No. 869, § 1, 8-21-2018)

Chapter 9.26

ABUSE OF 911 SYSTEM

Sections:

- 9.26.010 False reporting--State statute adopted.
- 9.26.020 Harassment calling--State statute adopted.
- 9.26.030 Nonemergency use prohibited.

9.26.010 False reporting--State statute adopted.

It is declared that any false report received on the 911 emergency number that falls within the guidelines of RCW 9A.84.040 be prosecuted by the prosecuting attorney in the county as a gross misdemeanor. The city council fully concurs with RCW 9A.84.040, and incorporate this statute by reference as if fully set forth herein.

(Ord. No. 853, § 1, 9-6-2016)

9.26.020 Harassment calling--State statute adopted.

It is declared that any person, who, with intent to harass, intimidate, torment or embarrass any other person shall make a telephone call to such other person on the 911 emergency number that falls within the guidelines of RCW 9.61.230, be prosecuted by the prosecuting attorney in the county as a misdemeanor. The county commissioners fully concur with RCW 9.61.230, and incorporate that statute by reference as if fully set forth herein.

(Ord. No. 853, § 1, 9-6-2016)

9.26.030 Nonemergency use prohibited.

It is declared that telephonic use of the 911 emergency number that does not fall within the guidelines of OMC 9.26.010 and 9.26.020 and which does not entail the reporting of an emergency situation be a civil infraction subject to a fine of five hundred dollars.

(Ord. No. 853, § 1, 9-6-2016)

Chapter 9.28ENTERING UPON DIKESSections:

9.28.010 Prohibited--Exceptions.

9.28.020 Violation--Penalty.

9.28.010 Prohibited--Exceptions.

No pedestrians, bicycles, horses, or any other animals, or vehicles of any kind, except emergency vehicles under the control of the city, or with the consent of city, or vehicles engaged in the maintenance, repair or construction of the dike, shall go upon or be operated on or over the dikes located in the city. (Ord. 367 §1, 1981).

9.28.020 Violation--Penalty.

A. Any person so operating a vehicle, or pedestrians, or anyone allowing horses or other animals on the dike, or to use the dike in violation of this chapter, is guilty of a misdemeanor.

B. Every person convicted of violating this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days in

the city jail, or by both such fine and imprisonment. (Ord. 367 §§2, 3, 1981).

zation to connect to the city main, then such permit/authorization shall expire and a new application shall be required for future connection.

(7) Developments proposed after the date of the adoption of this chapter that are not subject to the provisions of Section 13.04.016 (i.e., outside the city), including planned developments, subdivisions, conditional use permits, shall connect and activate every lot or other planned connection within five years of development approval. A connection shall be considered activated and a base rate shall be charged after such period of time, regardless of whether physical connection has been made to the system, unless, the development or portion thereof is abandoned or vacated according to applicable law.

(8) Complete payment of the SD fee indicated in subsection (1) of this section shall be a condition of city approval of any subdivision of land into two or more parcels or development units whether by short plat, long plat, planned development or otherwise, and shall be due and payable prior to the validation of any such approval.

(9) Upon written request to the city council, the SD fee may be reimbursed without interest when a short plat, long plat, planned development or similar planned multi-connection development, or portion thereof, has never been developed and is officially vacated or otherwise abandoned. No such reimbursement will be made by the city council if the water system has been improved using such funds to increase capacity for such development in anticipation of buildout. Additionally, abandonment of a developed use shall not constitute grounds for an SD fee reimbursement. (Ord. 709 §1, 2005; Ord. 637 §1, 1999; Ord. 619 §§2, 3, 1999; Ord. 553 §§2, 3, 1995; Ord. 455 §1, 1990; Ord. 453 §1, 1990; Ord. 409 §1, 1985; Ord. 260 §1, 1958).

13.04.025 Equivalent residential unit.

Each user (or user class) shall be assigned a number of equivalent residential units to be used for purposes of computing the service connection fees as provided in Section 13.04.020. The number of equivalent residential units to be assigned each user, or user class, shall be in accordance with the following equivalent user schedule. Assignment of equivalent residential units shall apply for one year until the next annual user charge review.

WATER SYSTEM ERU SCHEDULE

Use Class	ERU Unit	
Barber and beauty shops	0.3	Per station
Bed and breakfast	1.0	Owner residence
	0.5	Per transient room (limit 2)
Bowling alley	0.5	Per lane
Cafes, cafeterias, taverns, bars, restaurants, lounges, snack bars, delicatessens	1.0	500 sq. ft. or less
	0.003	Each sq. ft. in excess of 500 sq. ft.
Car washes	2.0	Per automatic bay
	2.0	Per manual bay
	1.0	Per manual bay with 60% recirculated water
Churches, conference/meeting/banquet rooms, and similar facilities	0.03	Per 1,000 sq. ft. without in-house food serving capabilities
	0.04	Per 1,000 sq. ft. with in-house food serving capabilities
Gas stations	1.5	Per dispenser island
	0.2	Per fuel nozzle in excess four per island
Hotels, motels, transient houses/cabins/lodges	0.4	Per unit with 1--2 beds
	0.2	Per bed over 2 per unit
	0.1	Per unit with kitchen or kitchen access
Institutions with permanent or temporary residences, rest homes, etc.	0.4	Per resident (design capacity)
Laundries	0.5	Per machine, coin operated

Use Class	ERU Unit	
	0.75	Per machine, commercial
Light industrial, service commercial, warehousing	0.3	Per 1,000 sq. ft.
Multifamily residence, apartments, condominiums	0.78	Per unit
Offices and office buildings	0.75	Per 1,000 sq. ft.
Retail stores	0.5	Per 1,000 sq. ft.
R.V. parks	0.5	Per space
Schools--Elementary, daycare, preschool	0.05	Per capita (maximum student capacity)
Schools--Junior high	0.06	Per capita (maximum student capacity)
Schools--High	0.07	Per capita (maximum student capacity)
Single-family residence, (including mobile homes occupied as single-family residences)	1.0	Per unit
One single-family dwelling with an accessory dwelling unit, inside city limits in conformance with Section 17.64.080 OMC	1.0	Per set
Theaters	0.02	Per seat

If more than one user category is applicable to a particular building, the building will be divided into areas of similar use categories and the ERU units for the building will be computed by adding the ERU unit determinations for each use category area. For uses not specifically described in this schedule, the number of ERU units to be assigned shall be determined on a case-by-case basis by the water superintendent and approved by the city council. No less than 1.0 ERU units will be assigned by building, or portion thereof, that has a separate city water service.

In computing area, the "total usable area" shall be used. "Total usable area" includes, but is not limited to:

Kitchen areas, serving areas, washing areas, occupant areas, waiting rooms, store rooms, restrooms, lunch rooms, halls, entryways, showrooms, and retail areas.

In computing the number of fuel nozzles, the city will only count the number of nozzles that can dispense fuel at the same time. For the purposes of this schedule, fuel includes all types of gasoline and diesel fuel.

For the purpose of gas station/retail store combinations, the retail space assessed at the retail store square footage rate shall be equal to the total retail space, less four hundred square feet, or zero, whichever is greater. This adjustment is to account for the estimated retail space of a gas station without any general retail space.

A residential building or portion thereof shall be considered multifamily if it has more than one kitchen area; except one single-family dwelling with an accessory dwelling unit, inside city limits in conformance with Section 17.64.080. (Ord. 661 §1, 2002; Ord. 553 §4, 1995). (Ord. No. 868, § 1, 4-3-2018)

13.04.030 Service rates.

A. Effective April 1, 2015: Water supplied to users in the city: Twenty-two dollars and fifty cents for the first five thousand gallons, and sixty-five cents for each one thousand gallons, or portions thereof, over five thousand gallons up to and including forty thousand gallons, and seventy-five cents per thousand gallons, or portions thereof, in excess of forty thousand gallons.

Water supplied to users in the area known as the "Eastlake area": Thirty-two dollars for the first five thousand gallons and seventy-five cents for each one thousand gallons, or portions thereof, over five thousand gallons up to and including forty thousand gallons, and eighty-five cents per thousand gallons, or portions thereof, in excess of forty thousand gallons.

Water supplied to users in the area known as the "Eastlake/Veranda": Thirty-three dollars for the first five thousand gallons and seventy-five cents for each one thousand gallons, or portions thereof, over five thousand gallons up to and including forty thousand gallons, and eighty-five cents per thousand gallons, or portions thereof, in excess of forty thousand gallons.

Water supplied to all other users outside of the city, including users in the areas previously served by the for-

mer North End Water Users Association: Thirty dollars for the first five thousand gallons seventy-five cents for each one thousand gallons, or portions thereof, over five thousand gallons up to and including forty thousand gallons, and eighty-five cents per thousand gallons, or portions thereof, in excess of forty thousand gallons.

B. Effective April 1, 2016: Water supplied to users in the city: Twenty-three dollars and fifty cents for the first five thousand gallons, and sixty-five cents for each one thousand gallons, or portions thereof, over five thou-

be liable for any damage that may occur within the premises on account of defective plumbing, pipes or fixtures. (Ord. 91 §4, 1922).

13.04.090 Property owner--Water account responsibility.

The property owner will be held responsible for the payment of all water accounts, and changes of ownership in the property will not remove the liability of the property for the accounts due. Water fees at the established rates will be charged against the property owner from the date on which the water is ordered turned on by the owner or his or her agent, until the date it is ordered turned off by the property owner or his or her agent; and, such charge will be on a daily pro rata basis to reflect only that time that water service was provided during a partial month of use. (Ord. 637 §1, 1999; Ord. 619 §7, 1999; Ord. 91 §5, 1922).

13.04.100 Water meter--Required.

Each water service pipe through which water is hereafter furnished by the city, or from private sources if the water is discharged into the city sewerage system, shall be equipped with a water meter of standard make, which shall be purchased from and be installed by the city at the expense of the owner of the premises served by such water service pipe and shall be placed at the curblineline of the premises served whenever practical and the location thereof shall be approved by the water superintendent. (Ord. 420 §3, 1986; Ord. 409 §5, 1985; Ord. 91 §6, 1922).

13.04.110 Water meter--Inspection.

The city superintendent shall ensure that each water meter is regularly inspected, and when it is determined that any water meter is not properly working, the city superintendent shall ensure that it is repaired, if practical, and if not practical it shall be replaced with another meter. If it is found that a meter is damaged due to tampering by the person served the expense of such repair or replacement shall be paid by that person. (Ord. 637 1, 1999; Ord. 619 8, 1999; Ord. 91 8, 1922).

13.04.120 Water meter--Separate required--Penalty.

All newly constructed residential or commercial buildings must be supplied with individual water meters, and all such buildings housing multiple businesses and/or tenants,

except one single-family dwelling with an accessory dwelling unit, inside city limits in conformance with Section 17.64.080 shall be supplied with a manifold with individual meters for each business/unit; provided, however, that the city may allow, in addition to the normal use, a temporary agricultural use not to exceed ninety days per year; and provided further, that after a full review of the facts and circumstances surrounding each case, the city may waive this requirement. (Ord. 553 5, 1995: Ord. 490 6, 1992: Ord. 409 7, 1985; Ord. 91 11, 1922). (Ord. No. 868, § 2, 4-3-2018)

13.04.130 Water rent--Fraud prohibited.

Every person aiding, conniving, or conspiring with another for the purpose of defrauding and preventing the town, from collecting water rent from each separate tenant or each separate residence, store, bank, church or other building, shall be deemed to have committed a civil infraction and shall be assessed monetary penalties as provided hereinafter. (Ord. 409 8, 1985: Ord. 91 12, 1922).

13.04.150 Connection--Restrictions.

No plumber or other person will be allowed to make connection with the town mains, or make alterations in any conduit, pipe or other fixtures, connected therewith, or to connect when they have been disconnected, or turned off or on, any water on any premises without the permission of the superintendent of the water department. (Ord. 91 14, 1922).

excess of ten thousand gallons. Recreational vehicle parks outside the city shall pay a base rate equivalent to three commercial base rates as set forth above, and shall pay the excess rate of ninety-five cents per thousand for amounts in excess of ten thousand gallons.

(5) Summer excess fees over the base rate for commercial buildings with lawns shall be determined by using the average of winter rates on a prorated basis.

(c) Gallonage as set forth above shall be determined by using meter readings of water consumption, except as set forth in subsection (d) of this section. All water deliveries (whether the source is municipal or private) shall be metered as required by Chapter 13.04 of this code.

(d) Any commercial establishment that disposes of water by means other than disposal into the city sewer system may, at their own cost and expense, install a meter on their sewer line(s) and gallonage, for the purpose of establishing a monthly sewer charge.

(e) In the event of nonuse of an existing sewer connection, or in the event of a failure to make an actual physical connection to the sewer within one year of the date of issuance of a permit to make connection, a rate for nonuse shall be charged, which rate shall be fifty percent of the applicable city base rate set forth in this section. (Ord. 741 § 1, 2007; Ord. 727 § 1, 2006; Ord. 710 § 1, 2005; Ord. 695 § 1, 2004; Ord. 662 § 1, 2002; Ord. 637 § 1, 1999; Ord. 620 § 1, 1999; Ord. 545 § 1, 1994; Ord. 525 § 1, 1993; Ord. 518 § 1, 1993; Ord. 496 § 1, 1993; Ord. 494 § 1, 1992; Ord. 421 §§ 1--3, 1986; Ord. 343 § 1, 1977; Ord. 331 § 1, 1976; Ord. 230 § 2, 1950). (Ord. No. 797, § 1, 12-7-2010; Ord. No. 843, § 1, 4-7-2015)

13.08.025 Equivalent residential units.

Each user (or user class) shall be based upon the approximate proportion of each user's share of the actual or estimated cost maintenance, replacement and financing of sewage collection and treatment facilities in comparison to an "equivalent residential unit" (ERU) as defined in Section 13.08.015. Each user (or user class) shall be assigned a number of equivalent residential units to determine the user connection fee as set forth in Section 13.08.040. The number of equivalent residential units to be assigned each user or user class shall be in accordance with the follow-

ing equivalent unit schedule. Assignment of equivalent residential units shall apply for one year until the next annual use charge review.

SEWER SYSTEM DEVELOPMENT FEE ERU SCHEDULE

Use Class	ERU Unit	
Barber and beauty shops	0.3	Per station
Bed and breakfast	1.0	Owner residence
	0.5	Per transient room (limit 2)
Bowling alley	0.5	Per lane
Cafes, cafeterias, taverns, bars, restaurants, lounges, snack bars, delicatessens	1.0	500 sq. ft. or less
	0.003	Each sq. ft. in excess of 500 sq. ft.
Car washes	2.0	Per automatic bay
	2.0	Per manual bay
	1.0	Per manual bay with 60% recirculated water
Churches, conference/meeting/banquet rooms, and similar facilities	0.03	Per 1,000 sq. ft. without in-house food serving capabilities
	0.04	Per 1,000 sq. ft. with in-house food serving capabilities
Gas stations	1.5	Per dispenser island
	0.2	Per fuel nozzle in excess four per island
Hotels, motels, transient houses/cabins/lodges	0.4	Per unit with 1--2 beds
	0.2	Per bed over 2 per unit
	0.1	Per unit with kitchen or kitchen access

Use Class	ERU Unit	
Institutions with permanent or temporary residences, rest homes, etc.	0.4	Per resident (design capacity)
Laundries	0.5	Per machine, coin operated
	0.75	Per machine, commercial
Light industrial, service commercial, warehousing	0.3	Per 1,000 sq. ft.
Multifamily residence, apartments, condominiums	0.78	Per unit
Offices and office buildings	0.75	Per 1,000 sq. ft.
Retail stores	0.5	Per 1,000 sq. ft.
R.V. parks	0.5	Per space
Schools--Elementary, daycare, preschool	0.05	Per capita (maximum student capacity)
Schools--Junior high	0.06	Per capita (maximum student capacity)
Schools--High	0.07	Per capita (maximum student capacity)
Single-family residence, (including mobile homes occupied as single-family residences)	1.0	Per unit
One single-family dwelling with an accessory dwelling unit, inside city limits in conformance with Section 17.64.080 OMC	1.0	Per set
Theaters	0.02	Per seat

If more than one user category is applicable to a particular building, the building will be divided into areas of similar use categories and the ERU units for the building will be computed by adding the ERU unit determinations for each use category area. For uses not specifically described in this schedule, the number of ERU units to be assigned shall be determined on a case-by-case basis by the

city superintendent and approved by the city council. No less than 1.0 ERU units will be assigned by building, or portion thereof, that has a separate side sewer.

In computing area, the "total usable area" shall be used. "Total usable area" includes, but is not limited to: Kitchen areas, serving areas, washing areas, occupant areas, waiting rooms, store rooms, restrooms, lunch rooms, halls, entryways, showrooms, and retail areas.

In computing the number of fuel nozzles, the city will only count the number of nozzles that can dispense fuel at the same time. For the purposes of this schedule, fuel includes all types of gasoline and diesel fuel.

For the purpose of gas station/retail store combinations, the retail space assessed at the retail store square footage rate shall be equal to the total retail space, less four hundred square feet, or zero, whichever is greater. This adjustment is to account for the estimated retail space of a gas station without any general retail space. A residential building or portion thereof shall be considered multifamily if it has more than one kitchen area.

Any commercial establishment that disposes of water by means other than disposal into the city sewage system may, at their own cost and expense, install a meter on their sewer line(s) to determine gallonage for the purpose of establishing their equivalent residential sewer user charge.

Sewer user charges shall be due the first month the side sewer receives any flow, or the month in which an occupancy permit is issued, whichever occurs first, and shall be payable for the whole month at a rate determined by the city rate ordinance or contract rate, if applicable.

Sewer user charges shall continue until the service is abandoned or a rebate of the sewer system development fee is requested in writing in accordance with the provisions of this section. Charges shall not accrue upon application to the city for those months when the premises are unoccupied and the side sewer receives no flow. (Ord. 554 §3, 1995).

(Ord. No. 868, § 3, 4-3-2018)

13.08.040 Connection--Charge.

In addition to the rates and charges in Section 13.08.020 of this chapter, the city shall charge a sewer system development fee in the sum of two thousand five hundred ninety-three dollars, plus the actual cost of labor

and materials expended, if any, in making such connection. Such connection charges shall become due and payable at the time each connection is completed, and, if not so paid on or before such date, the same shall become delinquent and shall bear interest at the rate of eight percent per year from the date of delinquency until paid. (Ord. 710 §2, 2005: Ord. 662 §2, 2002: Ord. 554 §4, 1995: Ord. 230 §4, 1950).

13.08.042 Abandonment.

(a) A service line shall be presumed to be abandoned by the owner when service charges have been unpaid for a period of one year. Upon abandonment pursuant to this section, city service can be resumed only upon payment of a new sewer system development fee.

(b) If a hookup fee has been paid to the city for a property prior to the passage of the ordinance codified in this section, and such property has not been paying monthly sewer user charges, the property owner shall pay the monthly sewer user charges from the month of passage of the ordinance codified in this section forward at the rate determined for a single-family residence, or the service shall be deemed abandoned. The city shall give public notice of this requirement in the same manner and for the same time period as that required for passage of a city ordinance. The public sewer service cannot be restored unless a new sewer system development fee is paid.

(c) If a structure served by a city system is torn down or destroyed, the owner can either voluntarily abandon

⁴Standards are for single-family residential uses. All other standards shall be established by the administrator on a case-by-case basis where standards shall be applied based on the standards of adjacent uses and districts.

⁵All storm water dispersal shall be addressed as per Section 18.02.140 of this code.

⁶Lot coverage may be increased when approved by the administrator on a case-by-case basis where an application shows compliance with storm-water clarifying and dispersal standards for a 100-year event and provides landscaping/screening based on the scope and intensity of the use and appropriate to the intent of the district and reasonably buffers adjacent uses and activities. (Ord. 584 §2(part), 1997). (Ord. No. 841, § 1, 3-17-2015)

Chapter 17.64

ACCESSORY USES AND STRUCTURES

Sections:

- 17.64.010 Generally.
- 17.64.020 Dimensional requirements.
- 17.64.030 Lot coverage.
- 17.64.040 Height.
- 17.64.050 Detached accessory structures.
- 17.64.060 Attached accessory structures.
- 17.64.070 Dish antennas.
- 17.64.080 Accessory dwelling units.

17.64.010 Generally.

The standards of this chapter apply to accessory uses and structures. (Ord. 491 §1(part), 1992).

17.64.020 Dimensional requirements.

An accessory structure shall meet the dimensional requirements of the underlying zoning district with the exception that accessory structures are not subject to the minimum square footage requirements. (Ord. 491 §1(part), 1992).

17.64.030 Lot coverage.

An accessory structure shall not cover more than ten percent of the lot area. Accessory uses are included when

determining maximum lot coverage. (Ord. 491 §1(part), 1992).

17.64.040 Height.

Accessory structures shall not exceed a height of sixteen feet. (Ord. 491 §1(part), 1992).

17.64.050 Detached accessory structures.

Detached accessory structures shall have setback requirements of five feet from rear and side lot lines and shall not be located in any required front yard area. (Ord. 491 §1(part), 1992).

17.64.060 Attached accessory structures.

Attached accessory structures shall meet the setback requirements for the underlying zoning district. (Ord. 491 §1(part), 1992).

17.64.070 Dish antennas.

Dish antennas shall be located in rear yards only and shall be subject to the setback distances as specified for the underlying zoning district. Dishes shall be located and painted in a manner which makes them as unobtrusive as possible. (Ord. 491 §1(part), 1992).

17.64.080 Accessory dwelling units.

A. Purpose. The purpose of allowing accessory dwelling units (ADU) is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.
2. Add affordable housing units to the existing community housing stock.
3. Provide opportunities for development of additional housing units for moderate-income people who might otherwise have difficulty finding homes within the city.
4. Provide flexibility for development of additional housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
5. Protect neighborhood stability, property values, and the single-family residential appearance of the

neighborhood by establishing clear and consistent conditions that will be applied to ADUs within defined areas in the city.

6. Limit accessory dwelling unit to small subordinate spaces such that they may be readily converted back to living space of the primary unit.

B. Use. The conduction of one ADU in a new or existing single-family dwelling (hereinafter the principal unit) shall be allowed the same as a single-family dwelling use in all zones subject to specific development, design, and owner-occupancy standards.

C. Definitions. The following definitions are section specific:

"Accessory dwelling unit (ADU)" shall mean a legally permitted small separate habitable living unit added to, created within, the main residence (principal unit) that provides separate basic requirements for living, sleeping, eating, cooking, and sanitation and is subordinate to the principle or allowed use on the property. For the purposes of this chapter, ADUs are subject to the standards herein and are not a two-family (duplex), or multi-unit dwelling, or multi-family use, or a nightly rental.

"Owner occupancy" means a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, utility payment records, or similar means.

D. Standards and Requirements. Accessory dwelling units in new or existing single-family dwelling units shall be allowed as provided for single-family dwellings use and shall only be permitted as appurtenant to the permitted use. Accessory dwelling units are subject to the following design and occupancy standards:

1. The property owner, which may include title holders or contact purchasers, must occupy either the principal unit or the accessory dwelling as their permanent residence, provided that the administrator may waive this requirement for temporary absences of less than one year and for military deployment/service as appropriate;

2. The accessory dwelling unit shall contain not less than one hundred ninety square feet of floor area and not more than thirty percent of the square footage (twenty-five percent in the R-1 district) of primary dwelling interior habitable space, excluding any related garage area and other non-living areas such as workshops or green-

houses; provided, that if the accessory dwelling is completely located on a single floor level within an existing and established building, the administrator may, with cause, allow a reasonable minor increase in size in order to efficiently use the existing floor area, so long as all other standards set forth in this section are met;

3. Accessory dwelling units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages or workshops;

4. Provided all persons are related in either the primary unit and the ADU, there shall be no occupancy restriction; provided that if unrelated persons occupy either unit, the total number of persons occupying that unit may not exceed three;

5. Not less than three off-street parking spaces shall be required for the accessory dwelling and for the primary dwelling, said spaces shall be located as required elsewhere in this code;

6. No more than two required off street parking spaces can be in the tandem configuration;

7. Any additions to an existing building and new construction for the purpose of installing an accessory dwelling shall not exceed the allowable lot coverage or encroach into the existing setbacks;

8. A form as specified by the administrator shall be filed by the owner with the county auditor, as a deed restriction, to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described in this section. Said deed restriction shall be by notarized affidavit affirming that the owner occupies either the main building or the ADU providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any con-

dition of approval is violated. Said deed restriction shall also include that release of the restriction require certification of the administrator of zoning compliance;

9. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure; and

10. City utilities and services shall be connected, managed and charges for shall be as provided in Title 13 OMC.

E. Deviations. In order to encourage the development of housing units for people with disabilities, the administrator may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the State Building Code as adopted by the city.

F. Existing. That portion of a single-family dwelling structure, which meets the definition of an accessory dwelling, and which was in existence prior to the effective date of this title may continue in existence provided the following requirements are met:

1. The accessory dwelling complies with the minimum requirements of the State Building Code as adopted by the city related to efficiency dwellings.

2. The accessory dwelling complies with subsection D.

(Ord. No. 867, § 1, 4-3-2018)

Chapter 17.68

HOME BUSINESSES*

Sections:

- 17.68.010 Purpose.
- 17.68.020 Businesses as accessory uses.
- 17.68.030 Licensed home businesses.
- 17.68.040 Procedures.
- 17.68.050 Voiding of licenses.
- 17.68.060 Exemptions.

17.68.010 Purpose.

The purpose of this chapter is to provide a means to allow residents to conduct limited business in residential districts while keeping intact the residential character of

*Prior ordinance history: Ords. 491 and 533.

neighborhoods. According to their nature, certain businesses are allowed outright as accessory uses to the primarily residential use while others are allowed only when licensed as home businesses. (Ord. 578 §37, 1996).

17.68.020 Businesses as accessory uses.

In residential districts, uses that meet the following criteria shall be considered accessory uses and are allowed outright:

- (1) There are no customers or clients visiting the home for the conduct of business;
- (2) There are no retail sales physically conducted on the premises;

Ordinance Number	Date	Description	Section this	Code
			2--4	7.06.230
			5 Added	7.06.260
865	12-19-2017	Adopts 2018 budget		Omit
866	3-20-2018	Amends certain salaries and wages in the 2018 budget		Omit
867	4- 3-2018	Accessory dwelling units	1 Added	17.64.080
868	4- 3-2018	Accessory dwelling units	1	13.04.025
			2	13.04.120
			3	13.08.025
869	8-21-2018	Unmanned aerial systems	1 Added	9.25.010-- 9.25.040
870	8-21-2018	Grants Public Utility District No. 1 the right to construct, erect, maintain and operate electric transmission and distribution facilities and appurtenances along, over and under the streets and alleys within the corporate limits of the city		Omit
871	10- 2-2018	Replaces Ord. No. 870, granting Public Utility District No. 1 the right to construct, erect, maintain and operate electric transmission and distribution facilities and appurtenances along, over and under the streets and alleys within the corporate limits of the city		Omit
872	10- 2-2018	Amends 2018 budget		Omit
873	11-20-2018	Tax levy		Omit
874	12- 4-2018	Amends 2018 budget		Omit
875	12-18-2018	Adopts 2019 budget		Omit
876	2- 5-2019	Licenses and regulations--certain activities; vending and music machines	1 Rpld	5.08.010-- 5.08.210

Ordinance Number	Date	Description	Section Section this Code
			2 Rpld 5.12.010-- 5.12.050

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