



City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Regular Meeting – also via Zoom Meeting Platform
May 17, 2023

Virtual Meeting: The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. **Call to Order, Pledge of Allegiance and roll call**
2. **Proclamations/Presentations**
Employee recognition – Police Chief Mike Pace
3. **Visitors/Public Comment**
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).
4. **Consent Agenda**
There are no items for consideration
5. **Discussion Items**
 - Clarification of calculations for Transfer from Stabilization Fund for Fiscal 2023-2024 budget
6. **Decision Items**
 - Approve an Intergovernmental Agreement with the City of Siletz to provide judicial services
 - Ordinance No. 1409, An Ordinance amending Toledo Municipal Code Chapter 8.20 – Adoption of the State Fire Code
 - Ordinance No. 1410, an ordinance amending Toledo Municipal Code Section 10.04.020 – applicability of State traffic laws
 - Resolution No. 1513 and Resolution No. 1514 to set new water/sewer rates effective May 21, 2023
 - Resolution No. 1515, a resolution setting new Water Standby Rates effective May 21, 2023
 - Resolution No. 1516, a resolution establishing a policy related to signs located along Main Street, at the east and west junction entrances into the City of Toledo

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

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7. Reports and Comments

- Committee updates

8. Adjournment

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

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**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	May 17, 2023	Clarification of calculations for transfer from Stabilization Fund for Fiscal 2023-2024 budget
Council Goal:	Agenda Type:	
Not Applicable	Discussion Items	
Prepared by:	Reviewed by:	Approved by:
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Staff is seeking Clarification of calculations for transfer from Stabilization Fund for Fiscal 2023-2024 budget.

Background:

Resolution No. 1427 reads “Funds may be expended from the Stabilization Fund only under the following circumstances:

- a) To offset the excess amount of the employer portion of retirement expenses as determined by the Council each time a new PERS employer rate is set for the City.”

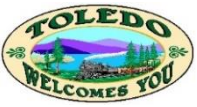
New rates effective 7/1/2023 are as follows:

Tier one/ Tier Two 17.84%
 OPSRP General 11.37%
 OPSRP Police /Fire 16.16%

Staff is seeking a consensus from Council on the amounts to be used in the specific calculations for the transfer from the Stabilization Fund for each category.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2023-2024	N/A

CITY OF TOLEDO REQUEST FOR COUNCIL ACTION

	Meeting Date:	Agenda Topic:
	May 17, 2023	Approve an Intergovernmental Agreement with the City of Siletz to provide judicial services
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Attorney Mike Adams	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to approve the Intergovernmental Agreement with the City of Siletz for judicial services.

Background:

The City of Siletz Charter states that the Municipal Court Judge shall “shall hold within the City a court known as the municipal court for the City of Siletz, Lincoln County, Oregon.” See City of Siletz Charter, Chapter V, Section 21. However, the Siletz Charter also states:

Section 4. - Powers of the city. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers.

Section 5. - Construction of Charter. In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power was not mentioned. The Charter shall be liberally construed, to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the laws and to the municipal home-rule provisions of the constitution of the state.

We have to start with the premise that a City Charter is authority taken away from the Oregon Legislature that is given to voters. The City Home Rule amendments to the Oregon Constitution reserve powers to city voters. Oregon Constitution, Article XI, section 2 (1906, 1910). The Oregon Supreme Court has said that the amendments are a “continuous offer” of “all powers properly belonging to municipal government.” *Robertson v. City of Portland*, 77 Or 121, 127 (1915). The offer is conditional. City voters may accept the offer by adopting charter terms. This general grant of power accepts the offer completely.

Based on this premise, there is a good argument that the City of Toledo and City of Siletz is entering into an Intergovernmental Agreement (IGA) for judicial services, under ORS 221.355, which is authority granted by the Legislature, not the Charter. ORS 221.355 is silent on whether the court (i.e., Judge’s location) should be in Toledo or Siletz. In fact, ORS 221.355 contemplates, by two distinct cities’ jurisdictional boundaries the court occurs in the city agreeing to do judicial services in the IGA. Finally, the City of Siletz has agreed to place ““shall hold within the city” language on the ballot in 2024 to change its charter.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachments:

1. IGA with the City of Siletz

INTERGOVERNMENTAL AGREEMENT
Between the CITY OF TOLEDO and the CITY OF SILETZ
For
Judicial Services

THIS INTERGOVERNMENTAL AGREEMENT (“IGA”) is made and entered into by and between the **City of Toledo, an Oregon municipal corporation** (“Toledo”), and the **City of Siletz, an Oregon municipal corporation** (“Siletz”), the promises of each being given in consideration of the promises of the other.

RECITALS

1. By the authority granted in ORS 190.010 through 190.030, units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. ORS 221.355 entitled “Agreement between cities for judicial services,” provides: “Any city may enter into an agreement pursuant to ORS 190.010 with another city for the provision of judicial services. A municipal judge providing services to another city pursuant to such an agreement shall have all judicial jurisdiction, authority, powers, functions and duties of the municipal court of the other city and the judges thereof with respect to all and any violations of the charter or ordinances of the other city. Unless the agreement provides otherwise, and subject to the provisions of ORS 153.640 to 153.680, all fines, costs and forfeited security deposits collected shall be paid to the prosecuting city, and that city shall reimburse the city providing judicial services for expenses incurred under the agreement. The exercise of jurisdiction under such an agreement by a municipal judge shall not constitute the holding of more than one office.”
3. Pursuant to ORS 221.335, the City of Siletz would like the City of Toledo to provide judicial services, whereby the City of Toledo Municipal Court Judge would make decisions on the City of Siletz’s Code and traffic infractions that occur with the City of Siletz, and individuals could be cited into the Siletz Municipal Court, located at Toledo City Hall, where tickets could be paid by those cited into the Siletz Municipal Court.
4. As the City of Siletz’s Charter, Chapter V, Section 21, referring to the Municipal Court Judge, provides “shall hold *within the city* a court known as the municipal court for the City of Siletz...,” so a change to the City of Siletz’s Charter will be referred to the voters by the Siletz City Council for the next general 2024 election.

NOW THEREFORE, the promises being in general as stated in the foregoing recitals, it is mutually agreed by the parties as follows:

TERMS OF AGREEMENT

1. Employment of Judge. Toledo pays Arnold Poole, as an independent contractor, to be its municipal court judge (the “Judge”). Nothing in this Intergovernmental Agreement (this "Agreement") shall be deemed to create employer-employee relationship between Toledo and Arnold Poole.

2. Services. Toledo, by and through the Judge, shall provide municipal judicial services to Siletz. The Judge is authorized to contact Siletz personnel with regard to coordinating and managing Siletz municipal judicial services. When sitting as municipal court judge, the Judge shall have all judicial jurisdiction, authority, powers, functions and duties of the municipal court of Siletz. The Judge shall primarily be located in Toledo, with a video-conferencing option for the person cited into court to appear from Siletz, unless the Judge deems it necessary to travel to Siletz, which may occur up to a handful of times a year.

3. Revenue. All fines, costs and forfeited security deposits collected shall be paid to the prosecuting City, Toledo, as shall be disbursed as required by statute. There are no revenues going to Siletz or expected to be derived pursuant to this Agreement which need to be apportioned between the parties. Should the City of Toledo incur increased future expenses, in the Toledo City Manager’s sole discretion, including, but not limited to, having to increase the monthly payment to the Judge due to his increased time obligations because of this IGA between the parties, a high number of cases where the Toledo City Attorney has to argue cases on behalf of the City of Siletz, including appeals on behalf of the City of Siletz in Lincoln County Circuit Court, the parties agree to discuss whether some additional monthly amount will be paid by the City of Siletz to cover reasonable expenses.

4. Personnel. No employees will be transferred pursuant to this Agreement. Except for independent contractors, who are not employees, the City of Siletz and the City of Toledo are subject employers under ORS Chapter 656, and shall procure and maintain current valid workers compensation insurance coverage for all subject workers throughout the period of this Agreement. This Agreement does not change the status of any employee, contractor or officer of the respective Cities.

5. Effective Date; Termination. This agreement shall be effective upon signing by both parties and shall be perpetual. This Agreement may be terminated by either party following thirty (30) day's written notice to the other party. However, Toledo may terminate this Agreement immediately in the event that Toledo loses its municipal court judge.

6. Indemnification. In the event that legal action is instituted against Arnold Poole or against a party to this Agreement for work performed within the scope of this Agreement, each party hereto agrees to hold harmless, indemnify and defend the other party and Arnold Poole against claims arising from or related to work performed in the indemnifying party's respective jurisdiction.

7. Method of Place of Giving Notice. All notices shall be made in writing and may be given by personal delivery or by mail. Notices sent by mail should be addressed as follows,

City of Toledo
PO Box 220
Toledo, Oregon 97391
Phone: 541-336-2247

City of Siletz
PO Box 318
Siletz, Oregon 97380
Phone: 541-444-2521

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills, and payments shall be deemed given at the time of actual delivery. Changes may be made to the names and addresses of the person to whom notices, bills and payments are to be given by providing notice pursuant to this paragraph.

8. Waiver. The failure of either party to enforce any provision of this agreement shall not constitute a waiver by that party of that or any other provision of this agreement.

9. Entire agreement: This agreement constitutes the entire agreement between the parties. Any modification to this agreement shall be in writing signed by the parties.

10. Attorney Fees. At all times each party shall be responsible for its own costs and attorney fees.

11. Governing law. This agreement shall be governed and construed in accordance with the laws of the State of Oregon.

IN WITNESS WHEREOF, the parties hereto have caused this IGA to be executed in duplicate by the duly authorized persons whose signatures appear below. Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this agreement, understands it, and agrees to be bound by its terms and conditions. Each person signing this agreement represents and warrants to have the authority to execute this agreement.

City of Toledo, an Oregon Municipal Corporation

By: _____
Rod Cross, Mayor

Attested: _____
Lisa Figueroa, Recorder

Dated this ____ day of _____, 2023.

City of Siletz, an Oregon Municipal Corporation

By: _____
Will Worman, Mayor

Attested: _____

Dated this ____ day of _____, 2023.

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	May 17, 2023	Ordinance No. 1409, An Ordinance amending Toledo Municipal Code Chapter 8.20 – Adoption of the State Fire Code
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Attorney M. Adams	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to adopt (with specified changes, if any) Ordinance No. 1409, an ordinance of the Toledo City Council amending the Toledo Municipal Code; Chapter 8.20 – Adoption of the State Fire Code, updating Section 8.20.010, adding new Sections 8.20.030 – 8.20.120 and declaring an emergency by title only (must be read twice).

Background:

At the City Council’s request, staff is bringing this ordinance back for possible adoption after the discussion of the draft ordinance held during the previous public meeting on May 3, 2023.

Even without adoption, the current 2021 International Building Code, with modifications approved the Oregon State Fire Marshal’s Office, which is today’s 2022 Fire Code, is enforceable within the City. The ordinance renames TMC Chapter 820, from “Adoption of Fire Code,” to “Fire Prevention Code.” Other additional authorities are provided in this chapter as discussed during the previous city council meeting.

Copies of the proposed ordinance have been posted and provided to Councilors, more than one week prior to this hearing, on May 17, 2023, to allow an adoption tonight, pursuant to City Charter, Chapter XI – Ordinances, Section 31.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachment:

1. Ordinance No. 1409

**CITY OF TOLEDO
ORDINANCE NO. 1409**

AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING THE TOLEDO MUNICIPAL CODE; CHAPTER 8.20 – ADOPTION OF THE STATE FIRE CODE, UPDATING SECTION 8.20.010, ADDING NEW SECTIONS 8.20.030 – 8.20.120 AND DECLARING AN EMERGENCY

WHEREAS, The City of Toledo maintains an exceptionally well-run Fire Department; and

WHEREAS, Ord. No. 1229, adopted Nov 7, 1994, repealed Ord. 1139, adopted Aug 2, 1982, and amended Section 1 of Ord. No. 1228, 1981; and, further, Ord. 1382, amended Subsection A, and repealed Subsection B, of Section 8.20.010; and

WHEREAS, the City has in its Code previously adopted the “State of Oregon Fire Code 2019,” by Ord. 1382, on April 22, 2020, which is not needed or required; and

WHEREAS, even without adopting a fire code, the Fire Chief for the City of Toledo has the authority to enforce the Oregon Fire Code as authorized by the Oregon State Fire Marshal’s Office through ORS 476.060, ORS 476.150 and OAR 837-040-0010; and

WHEREAS, the City Council finds it advisable to declare an emergency and make the ordinance effective immediately upon adoption.

NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1. That the City Council amends Ord. 1128 § 1, 1981 and Ord. 1229 § 3, 1994, as amended by Ord. 1382 § 2, 2020.

Section 2. Sections 3 through 15 of this ordinance are added to and made a part of the Toledo Municipal Code, Chapter 8.20, and changing the chapter title from “Adoption of State Fire Code”, to “Fire Prevention Code”.

Section 3. Section 8.20.010, Subsection A. is repealed and replaced, subsection B. is added, and subsection C. is amended, to read in its entirety as follows:

8.20.010 - Documents adopted.

- A. The adoption of the previous version of the Oregon Fire Code is hereby repealed, because even without adoption the Fire Chief for the City of Toledo has the authority to enforce the then adopted Oregon Fire Code, as authorized by the office of the State Fire Marshal, which name is changed, operative on July 1, 2023, to the Department of the State Fire Marshal, through ORS 476.060, ORS 476.150, and OAR 837-040-0010.

- B. The City adopts the following terms, when used in the Oregon Fire Code, to have the following meanings unless the context requires otherwise:
1. **FIRE CODE OFFICIAL**, the Fire Chief for the City of Toledo or designee.
 2. **CORPORATION COUNSEL**, the City Attorney; and
 3. **JURISDICTION**, in the City of Toledo, Fire District, or as otherwise permitted by this ordinance.
- C. The City also adopts the standardized-costs schedules for transportation route response, unprotected area response, and apparatus cost that are contained in the State Fire Marshal's Oregon Fire Mobilization Plan and the volunteer firefighter reimbursement rate that is contained in the State Fire Marshal's Oregon Fire Service Mobilization Plan, including any revisions, changes, modifications, or deletions contained in any similar subsequently approved plans. All responses billed under these plans are subject to a thirty (30) minute minimum response charge. All reimbursement rates adopted by this ordinance are payable to the City of Toledo.

Section 4. Section § 8.20.020 is repealed, and replaced with language, to read in its entirety as follows:

8.20.020 – Enforcement.

- A. Notwithstanding provisions in the Fire Prevention Code or Oregon Fire Code (hereafter “Code” in this section) authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, or provisions providing for enforcement of the Code, such inspections, testing and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The City recognizes that it has limited financial resources with which to provide fire, rescue and other services and functions and is forced to make public policy decisions as to allocation of City resources. Although the City places a high priority on prevention, inspection and maintenance of fire systems, due to financial limitations, it is the City Council's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the City to make clear that the City's duty to perform the inspections and testing, or to take enforcement actions, as set forth in the Code is limited to

providing a reasonable level of fire and life safety. Such actions are discretionary.

- B. Neither the City nor any official or employee thereof, including the City police communications center, and its personnel, shall be liable for injury to person or property, without limitation, but including injury resulting from an interruption or failure of service caused by acts of God, other circumstances beyond the control of the city, or failure to reach thoroughfares of such grade, quality and condition that City's firefighting equipment may not traverse them safely, or for a discretionary decision, without limitation, including the discretionary decision to not respond to a fire suppression or vehicle crash.
- C. Any violation of the Fire Prevention Code, state law, this ordinance, or a city-issued permit that is actionable under this chapter shall constitute a civil infraction and a nuisance. Each day of violation shall constitute a separate civil infraction that can give rise to a separate citation, conviction and fine.

Section 5.

§ 8.20.030 is added, to read in its entirety as follows:

8.20.030 - Definitions.

City means the City of Toledo, Oregon.

Fire Chief means the Chief of the Fire Department of the City of Toledo.

Fire Code Official means the Fire Chief, and one or more designees of the Fire Chief, which may include personnel from the State Fire Marshal's Office.

Fire District means the East Lincoln Fire and Rescue District.

Fire Prevention Code means those provisions of the Oregon Fire Code (OFC), and any modifications thereof, and separate and distinct, as a function of the City, also include the provisions of this chapter.

Fire prevention program means the Fire Department program for regulation of building use and occupancy and the administration and enforcement of the Fire Prevention Code and other fire safety laws, ordinances and regulations.

Person means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, insurance provider or such person or entity, or other entity in law or fact.

Unprotected area means the unincorporated area that is outside the corporate boundaries of the City and Fire District, but falls within the extraterritorial jurisdiction under TMC 8.20.080, ORS 476.280, or is authorized through an IGA, MOU, Compact, mutual aid, or emergency mutual assistance agreement with another jurisdiction.

Section 6. Section § 8.20.040 is added, to read in its entirety as follows:

8.20.040 – Powers and duties of the Fire Code Official.

The Fire Code Official shall implement, administer, and enforce the fire prevention program, and shall have the authority to render written and oral interpretations of the Fire Prevention Code and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of the Fire Prevention Code. Such delegation shall include, but shall not be limited to, fire prevention, fire suppression, fire safety, fire storage, fire escapes, and fire investigation.

Section 7. Section § 8.20.050 is added, to read in its entirety as follows:

8.20.050 – Stop work orders; order to vacate; enforcement action.

- A. Whenever any work or activity is being done contrary to the provision of the OFC or other laws, ordinances or administrative rules or procedures used to enforce the Fire Prevention Code, the Fire Code Official may order the work or activity stopped by written notice served on any person or person doing or causing such work to be done. Upon receipt of such notice, the person doing or causing such work or activity to be done shall immediately cease such work or activity, until such time as an authorization to proceed is issued by the Fire Code Official.
- B. Whenever any building, premises, or mechanical system or equipment regulated by the OFC, or any part thereof, is used contrary to the provision of the OFC, or this chapter, the Fire Code Official may order such use discontinued and the building and premises, or part thereof, vacated.
- C. In addition to, but not in lieu of, any penalty, the Fire Code Official may commence any action necessary to prevent, restrain, correct or abate any violation of the Fire Prevention Code.

Section 8. Section § 8.20.060 is added, to read in its entirety as follows:

8.20.060 - Reinspection of unsafe conditions.

- A. Whenever the Fire Code Official has issued a notice to correct a violation of any provisions of the Fire Prevention Code at a particular premises and the Fire Code Official finds, upon reinspection, that the violation has not

been abated, the person in possession of the premises shall pay a reinspection fee in the amount prescribed by resolution of the Council.

- B. The Fire Code Official may waive all or any part of a reinspection fee, if, in the Fire Code Official's sole discretion, it appears that reinspection was required by circumstances that the responsible person in good faith took efforts to avoid.

Section 9. Section § 8.20.070 is added, to read in its entirety as follows:

8.20.070 - Fee for suppressing unlawful fire.

If either firefighting apparatus or personnel of the City are required to respond to or to be used actively or on a standby basis in connection with the extinguishment or control of a fire that has been started or allowed to spread in violation of any law, including this chapter, or administrative rules or procedures adopted pursuant thereto, the person responsible therefor shall be liable to the City for the expenses incurred by the City in such response or use, in an amount prescribed by TMC 8.20.100.

Section 10. Section § 8.20.080 is added, to read in its entirety as follows:

8.20.080 – Extraterritorial fire protection.

- A. Whenever in the opinion of the Fire Chief an uncontrolled fire outside the corporate boundaries of the City and the Fire District is causing or may cause undue jeopardy to life or property, including a report of a vehicle crash or fire along Highway 20 outside the corporate boundaries of the City and Fire District, the Fire Chief may employ the same means and resources to extinguish the fire as would be used to extinguish a similar fire within the City.
- B. The City Council finds that this section is necessary to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City.

Section 11. Section § 8.20.090 is added, to read in its entirety as follows:

8.20.090 – Hydrant obstruction; Removal of obstructions.

- A. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection, or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to such equipment or hydrant. A minimum three-foot clear space shall be maintained around the circumference of the fire hydrant.

- B. The Fire Chief or designee may cause to be removed any existing obstructions in any designated parking fire lane or other marked public place, or may require any property owner to clear and/or remove any obstructions to a fire hydrant which may exist on such owner's property. A failure to comply therewith, after ten days' written notice by the Fire Chief or designee, is a violation of this chapter and the Fire Chief or designee may then remove the obstructions and assess the expenses against the property in an amount prescribed by TMC 8.20.100.

Section 12. Section § 8.20.100 is added, to read in its entirety as follows:

8.20.100 –Reimbursement of Expenses; Lien.

- A. The use of city personnel and equipment in an inspection, suppression of a fire, or other fire service, without limitation, including for actions described in TMC 8.20.050 - TMC 8.20.090, shall require reimbursement, by the owner of the property or vehicle that requires such service, to the City, for expenses incurred at the rates in the documents referenced in subsection C. of 8.20.010, and to the extent not applicable, by resolution of the City Council.
- B. The City may petition the Court to recover from respondent(s) all of its reasonable expenses associated with bringing and prosecuting a civil enforcement action under this chapter and for any abatement action that may be necessary if the respondent(s) fail to abate a nuisance. Reasonable expenses include the City's attorney, administrative and staff time, inspection costs, contractor costs, materials and equipment, service and administrative expenses, the cost of work to demolish, remove, correct or otherwise abate the nuisance, and any associated disposal costs.
- C. The Fire Chief shall keep an accurate record of the expenses, fines, fees, and civil penalties described in this section, and shall include therein an administrative fee of twenty (20) percent for overhead.
- D. Any of the expenses, fines, fees, including administrative fee described in subsection C. of this section, and civil penalties awarded by the City Council or a Court pursuant to this chapter, shall accrue interest at the rate of nine percent (9%) per year until paid, pursuant to TMC Section 1.20.120(D).
- E. The amounts described in this section may be recorded as a municipal assessment lien and foreclosed as provided in TMC Section 1.20.130.
- F. For extraterritorial fire protection under TMC 8.20.080, pursuant to ORS 476.290, the cost charged for providing the fire service may not be greater than the pro rata cost that would have been charged by the City for the

performance by the City of a similar fire suppression service within its jurisdiction.

Section 13. Section § 8.20.110 is added, to read in its entirety as follows:

8.20.110 - Construction; severability.

If there is a conflict between any provision of the OFC and any provision with this chapter, the provisions shall be construed as mutually complementary or supplementary, if possible; otherwise, the specific provision of this chapter outside the OFC shall govern. In the event that any provision or part of the OFC or this chapter is found invalid or unconstitutional, such finding shall not be construed as affecting the validity or constitutionality of any other provision hereof.

Section 14. Section 8.20.120 is added, to read in its entirety as follows:

8.20.120 - Violation—Penalty.

- A. Violation of any section of this chapter, or failure to comply with any order issued under this chapter, or building in violation of specification or plans submitted and approved under this chapter, is a Class A infraction.
- B. This remedy is not intended to be exclusive, and the City of Toledo may pursue any other remedy available to it by law, including the removal of the prohibited conditions.
- C. Each day that a violation is found to exist shall constitute a separate citable and sanctionable civil infraction.

Section 15. This Ordinance shall be effective immediately and upon its passage by the Toledo City Council.

This Ordinance adopted by the Toledo City Council this ___ day of _____, 2022.

APPROVED:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa

CITY OF TOLEDO

REQUEST FOR COUNCIL ACTION

	Meeting Date:	Agenda Topic:
	May 17, 2023	Ordinance No. 1410, An Ordinance amending Toledo Municipal Code Section 10.04.020 – Applicability of State Traffic Laws
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Attorney M. Adams	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to adopt (with specified changes, if any) Ordinance No. 1410, an ordinance of the Toledo City Council amending Toledo Municipal Code Section 10.04.020 – applicability of state traffic laws, Section 2 of Ordinance 1072 (1979) as amended by Ordinance 1169 (1985) as amended by Section 1 of Ordinance 1184 (1988), amending Chapter 10.08 –Administration and Enforcement, and declaring an emergency by title only (must be read twice).

Background:

At the City Council’s request, staff is bringing this ordinance back for possible adoption after the discussion of the draft ordinance held during the previous public meeting on May 3, 2023.

Per request, staff reviewed HB 1095 (2023). The authority to reduce the statutory speed 5 miles per hour (MPH) exists without incorporating language into this ordinance. HB 1095 provides that a “road authority may establish by ordinance a designated speed for a highway under the jurisdiction of the road authority that is five miles per hour lower than the statutory speed” but only if certain conditions are met. First, the highway under the jurisdiction of the road authority must be specified in the ordinance (section 2, subsection 10). Second, the highway must be in a “residence district” (subsection 10(a)) - which “includes territory not comprising a business district that is contiguous to a highway and has access to dwellings provided by alleys” (subsection 12). Third, the statutory speed may be overridden by a designated speed only if: (1) the road authority (i.e., road department) determines that the highway has an average volume of fewer than 2,000 motor vehicles per day, of which more than 85 percent are travelling at less than 30 MPH (Subsection 10 (b)(A)); and (2) There is a traffic control device on the highway that indicates the presence of pedestrians or bicyclists (Subsection 10 (b)(B)).

Additionally, there is authority to also designate a reduction up to 10 MPH, if designated speed is not less than 20 MPH, with slightly different requirements. See section 2, subsection 11 of HB.

Copies of the proposed ordinance have been posted and provided to Councilors, more than one week prior to this hearing, on May 17, 2023, to allow an adoption at this meeting, pursuant to City Charter, Chapter XI – Ordinances, Section 31.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachment:

1. Ordinance amending TMC 10.04.020 and Chapter 10.08
2. Enrolled HB 1095, 2023 Legislative Session

**CITY OF TOLEDO
ORDINANCE NO. 1410**

AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING TOLEDO MUNICIPAL CODE SECTION 10.04.020 – APPLICABILITY OF STATE TRAFFIC LAWS, SECTION 2 OF ORDINANCE 1072 (1979) AS AMENDED BY ORDINANCE 1169 (1985) AS AMENDED BY SECTION 1 OF ORDINANCE 1184 (1988) AND AMENDING CHAPTER 10.08, ADMINISTRATION AND ENFORCEMENT, AND DECLARING AN EMERGENCY

WHEREAS, businesses within the City of Toledo require Commercial Motor Vehicles to transport goods and services; and

WHEREAS, the City of Toledo’s adoption of traffic laws needs to be updated; and

WHEREAS, because of issues that need current attention, the public welfare requires that this ordinance take effect immediately upon approval.

NOW THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1. Section 10.04.020, and Ord. 1072 §2, 1979, as amended by Ord. 1169, 1985, and amended by Ord. 1184 §1, 1988, is further amended, to read in its entirety as follows:

10.04.020 – Applicability of state traffic laws.

The provisions of ORS Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, 823, 825 and OAR 740.100.0010 issued thereunder, are hereby adopted, and violations thereof shall constitute an offense against the city.

Section 2. Chapter 10.08, ADMINISTRATION AND ENFORCEMENT, shall be amended as provided in Sections 3 – 19 of this Ordinance.

Section 3. Section 10.08.010 and Ord. 1072 §4, 1979, shall remain unchanged, to read in its entirety as follows:

10.08.010 - Powers of the City Council.

A. Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

B. The powers of the council shall include, but not be limited to:

1. Designation of through streets;

2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Adoption and all other acts necessary to change designated speed zones;
8. Revision of speed limits in parks.

Section 4. Section 10.08.020 and Ord. 1072 §4, 1979, as amended by Ord. 1077, 1979, is further amended, to read in its entirety as follows:

10.08.020 - Duties of the City Manager.

The City Manager or designee is delegated the authority to perform the following duties:

- A. Implement the ordinances, resolutions and motions of the council by installing traffic control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.
- B. Establish, maintain, remove or alter the following classes of traffic controls:
 1. Crosswalks, safety zones and traffic lanes;
 2. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies;
 3. Parking areas and time limitations, including the form of permissible parking.
- C. In exercising these duties, the City Manager shall take into consideration budgetary, scheduling and personnel restrictions on the city in addition to the need for traffic control devices and parking and safety measures.
- D. Review or appeal of decision or action of City Manager.
 1. Any person affected by a decision or action of the City Manager or designee under section 10.08.020 may appeal the decision or action to the City Council by filing a written appeal with the city recorder within 10 days of the decision or action.

2. The City Manager or any Council member may initiate a review of any decision or action by the City Manager under this section by placing the matter on the Council agenda.
3. The Council may but is not required to give deference to the City Manager's decision in making its decision.

Section 5. Section 10.08.030 and Ord. 1072 § 6, 1979, is amended, to read in its entirety as follows:

10.08.030 - Public danger.

Under conditions constituting a danger to the public, the City Manager or designee may install temporary traffic control devices deemed to be necessary.

Section 6. Section 10.08.040 and Ord. 1072 § 7, 1979, is amended, to read in its entirety as follows:

10.08.040 - Standards.

The regulations of the City Council or its designee shall be based upon:

- A. Traffic engineering principles and traffic investigations;
- B. Standards, limitations and rules promulgated by the Oregon Transportation Commission;
- C. Other recognized traffic control standards.

Section 7. Section 10.08.050 and Ord. 1072 § 8, 1979, is amended, to read in its entirety as follows:

10.08.050 - Authorities of police and fire personnel.

- A. It shall be the duty of police officers to enforce the provisions of this title.
- B. In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this title.
- C. The Chief of Police shall be the superior police officer and shall direct and control all other police officers, community services officer, and dispatchers subject to the authority and control of the City Manager. It shall be the duty of the Chief of Police to execute all processes as directed by the municipal judge or by any magistrate of the state.
- D. Emergency vehicles and vehicles designated by the City Manager are exempt from the regulations of this title to the extent authorized by state law, but shall comply with all provisions of this title when not responding to an emergency or call for immediate response. Police officers and firefighters may authorize others to take actions (park, stop, turn, proceed), as they deem appropriate in response to an accident or emergency.
- E. A community service officer shall perform such duties as may be required by the charter of the city, the provisions of this code, or directions of the

Chief of Police. A community service officer shall have the authority to enforce all parking, vehicle storage, noise disturbance, animal regulations, and other provisions of this Code, as permitted under the laws of this state and city by issuance of a citation, but is not authorized to arrest. A community service officer shall have the same authority as a police officer when directing traffic on the streets or public thoroughfares of the city.

- F. No person shall fail to obey a lawful order, signal or direction of a community service officer while such individual is engaged in any of the duties pursuant to the provisions of subsection E. of this section and is wearing an authorized insignia or uniform.

Section 8. Section 10.08.060 and Ord. 1072 § 38, 1979, is amended, to read in its entirety as follows:

10.08.060 - Impoundment of vehicles.

- A. Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer or community services officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.
- B. The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.
- C. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this title.
- D. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- E. Whenever a police officer or community services officer observes a vehicle parked in violation of a provision of this title, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection B of this section.

Section 9. Section 10.08.070 and Ord. No. 1326, 2009, is repealed, and replaced with the following language, to read in its entirety as follows:

10.08.070 – Citation issuance.

- A. All proceedings or actions before the municipal judge shall be commenced by complaint or citation setting forth the violation of Code or state law, with such particulars as to the time or place or person or property as to enable the defendant to understand the character of the offense and answer the complaint or citation.
- B. Except as required by state law, a maximum of three charges of a similar type may be listed on the same citation, with these stipulations:
 - 1. All charges on one citation must be going to the same court
 - 2. Traffic and non-traffic offenses cannot be mixed on the same citation
 - 3. Traffic crimes (including ORS 807.570, failure to carry/present DL, if it is being treated as a traffic crime) cannot be mixed with infractions on the same citation; and
 - 4. A charge of DUII must be on its own, separate citation.

Section 10. Section 10.08.080 is created, to read in its entirety as follows:

Section 10.08.080 – Municipal Court – Authority.

The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The municipal judge may accomplish by any lawful means the serving of subpoenas, notices of jury duty, summonses, and all other orders of the court necessary for the proper conduct thereof, and may prescribe the security deposit, fine or forfeiture for violation of any provision of this code.

Section 12. Section 10.08.090 is created, to read in its entirety as follows:

10.08.090 – Municipal Court – Procedure.

All proceedings in municipal court shall be governed by the general laws of the state applicable to justices of the peace and justices' courts, except as otherwise prescribed by ordinance.

Section 13. Section 10.08.070 and Ord. 1072 § 39 (part), 1979, as amended by Ord. 1244 § 8 (part), 1996, as amended by Ord. 1296 § 1, 2003, as amended by Ord. 1326, 2009, is renumbered to Section 10.08.100, and amended, to read in its entirety as follows:
as follows:

10.08.100 - Violation—Penalty.

- A. Violation of Sections 10.16.010 through 10.16.060 and Sections 10.24.010 through 10.24.130 will constitute a Class B infraction.

- B. Violation of Sections 10.12.010 through 10.12.090, 10.16.070, 10.16.080, 10.16.100, 10.20.010 and 10.20.020 of this title will constitute a Class C infraction.
- C. Violation of Section 10.16.110 of this title will constitute a Class D infraction.
- D. Except as provided in this section, any other violation of this chapter is a Class B infraction.
- E. When a civil infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day that the civil infraction continues, and a separate citation may be issued for each such civil infraction.

Section 14. Section § 10.08.110 is added, to read in its entirety as follows:

10.08.110 – Severability clause.

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

Section 15. Section § 10.08.120 is added, to read in its entirety as follows:

10.08.120 – Savings clause.

A prosecution that is pending on the effective date of this ordinance and arose from a violation of an ordinance repealed by this ordinance, or a prosecution started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determine exactly as if the ordinance had not been repealed.

Section 19. Section § 10.08.130 is added, to read in its entirety as follows:

10.08.130 – Emergency clause.

This ordinance being necessary for the immediate preservation of the public welfare, health and safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

This Ordinance adopted by the Toledo City Council this ___ day of _____, 2023.

APPROVED:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa

Enrolled House Bill 2095

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Joint Committee on Transportation for League of Oregon Cities)

CHAPTER

AN ACT

Relating to traffic safety; amending ORS 810.180 and 810.438.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 810.438 is amended to read:

810.438. (1) *[The following jurisdictions may, at their own cost,]* **A city at its own cost may** operate photo radar.[:]

[(a) Albany.]

[(b) Beaverton.]

[(c) Bend.]

[(d) Eugene.]

[(e) Gladstone.]

[(f) Medford.]

[(g) Milwaukie.]

[(h) Oregon City.]

[(i) Portland.]

[(j) Tigard.]

(2) A photo radar system operated under this section:

(a) May be used on streets in residential areas or school zones.

(b) May be used in other areas if the governing body of the city makes a finding that speeding has had a negative impact on traffic safety in those areas.

[(c) May not be used for more than four hours per day in any one location.]

[(d)] (c) May not be used on controlled access highways.

[(e)] (d) May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced." The sign posted under this paragraph must:

(A) Be on the street on which the photo radar unit is being used;

(B) Be between 100 and 400 yards before the location of the photo radar unit;

(C) Be at least two feet above ground level; and

(D) If posted in a school zone not otherwise marked by a flashing light used as a traffic control device, indicate that school is in session.

(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

(a) The effect of the use of the photo radar system on traffic safety;

(b) The degree of public acceptance of the use of the photo radar system; and

(c) The process of administration of the use of the photo radar system.

(4) By March 1 of each odd-numbered year, each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

SECTION 2. ORS 810.180 is amended to read:

810.180. (1) As used in this section:

(a) "Designated speed" means the speed that is designated by a road authority as the maximum permissible speed for a highway and that may be different from the statutory speed for the highway.

(b) "Statutory speed" means the speed that is established as a speed limit under ORS 811.111, or is established as the speed the exceeding of which is prima facie evidence of violation of the basic speed rule under ORS 811.105.

(2)(a) A designated speed established under this section is a speed limit if the highway for which the speed is designated is subject to a statutory speed limit under ORS 811.111 that is in addition to the speed limit established under ORS 811.111 (1)(b).

(b) A speed greater than a designated speed established under this section is prima facie evidence of violation of the basic speed rule if the designated speed is established for a highway on which there is no speed limit other than the limit established under ORS 811.111 (1)(b).

(3) The Department of Transportation may establish by rule designated speeds on any specified section of interstate highway if the department determines that speed limits established under ORS 811.111 (1) are greater or less than is reasonable or safe under the conditions that exist with respect to that section of the interstate highway. Designated speeds established under this subsection are subject to all of the following:

(a) The department may not establish a designated speed under this subsection of more than:

(A) Sixty-five miles per hour for vehicles described in ORS 811.111 (1)(b); and

(B) Seventy miles per hour for all other vehicles.

(b) If the department establishes designated speeds under this subsection that are greater than 65 miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) must be at least five miles per hour lower than the designated speed for all other vehicles on the specified section of interstate highway.

(c) The department may establish a designated speed under this subsection only if an engineering and traffic investigation indicates that the statutory speed for the interstate highway is greater or less than is reasonable or safe under conditions the department finds to exist.

(d) A designated speed established under this subsection is effective when appropriate signs giving notice of the designated speed are posted on the section of interstate highway where the designated speed is imposed.

(4)(a) The department may establish, pursuant to a process established by rule, a designated speed on a state highway outside of a city. The authority granted under this subsection includes, but is not limited to, the authority to establish different designated speeds for different kinds or classes of vehicles as the department determines reasonable and safe. A designated speed established under this subsection for any kind or class of vehicles may not exceed the speed limit for the highway for that kind or class of vehicles as established in ORS 811.111 or, if there is no speed limit for the highway other than the limit established in ORS 811.111 (1)(b), may not exceed 55 miles per hour.

(b) The department may establish a designated speed under this subsection only if an engineering and traffic investigation indicates that the statutory speed for the highway is greater or less than is reasonable or safe under conditions the department finds to exist.

(c) A designated speed established under this subsection is effective when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.

(5) After a written request is received from a road authority for a highway other than a highway described in subsection (3) or (4) of this section, the department, pursuant to a process established by rule, may establish a designated speed for the highway. The authority granted under this sub-

section includes, but is not limited to, the authority to establish different designated speeds for different kinds or classes of vehicles as the department determines reasonable and safe. The authority granted under this subsection is subject to all of the following:

- (a) The written request from the road authority must state a recommended designated speed.
- (b) The department may establish a designated speed under this subsection only if an engineering and traffic investigation indicates that the statutory speed for the highway is greater or less than is reasonable or safe under conditions the department finds to exist.
- (c) The department may not make a final decision to establish a designated speed under this subsection without providing the affected road authorities with notice and opportunity for a hearing.
- (d) A road authority may file a written objection to a designated speed that is proposed by the department under this subsection and that affects the road authority.
- (e) A designated speed established under this subsection is effective when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed. The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the portion of the highway where the designated speed is imposed.
- (f) The department, pursuant to a process established by rule, may delegate its authority under this subsection with respect to highways that are low volume or unpaved to a city or county with jurisdiction over the highway. The department shall delegate authority under this paragraph only if it determines that the city or county will exercise the authority according to criteria adopted by the department.

(g) The department, pursuant to a process established by rule, may delegate its authority under this subsection to Clackamas County, Multnomah County or a city with jurisdiction over the highway. The department shall delegate authority under this paragraph only if it determines that Clackamas County, Multnomah County or the city will exercise the authority according to criteria adopted by the department. When Clackamas County, Multnomah County or a city establishes a designated speed under this paragraph, the county or city shall provide written notice to the department. The designated speed established under this paragraph is effective 30 days after the department receives the notice.

(6) The department may override the speed limit established for ocean shores under ORS 811.111 (1)(c) and establish a designated speed of less than 25 miles per hour on any specified section of ocean shore if the department determines that the speed limit established under ORS 811.111 (1)(c) is greater than is reasonable or safe under the conditions that exist with respect to that part of the ocean shore. The authority granted under this subsection is subject to all of the following:

(a) The department may make the determination required under this subsection only on the basis of an investigation.

(b) A designated speed established under this subsection is effective when posted upon appropriate fixed or variable signs on the portion of ocean shore where the designated speed is imposed.

(7) A road authority may adopt a designated speed to regulate the speed of vehicles in parks under the jurisdiction of the road authority. A road authority regulating the speed of vehicles under this subsection shall post and maintain signs at all park entrances to give notice of any designated speed.

(8) A road authority may establish by ordinance or order a temporary designated speed for highways in its jurisdiction that is lower than the statutory speed. A temporary designated speed may be established under this subsection if, in the judgment of the road authority, the temporary designated speed is necessary to protect any portion of the highway from being unduly damaged, or to protect the safety of the public and workers when temporary conditions such as construction or maintenance activities constitute a danger. The following apply to the authority granted under this subsection:

(a) Statutory speeds may be overridden by a temporary designated speed only:

(A) For a specific period of time for all vehicles; or

(B) For a specified period of time for a specific kind or class of vehicle that is causing identified damage to highways.

(b) This subsection may not be used to establish a permanent designated speed.
(c) The authority granted by this subsection may be exercised only if the ordinance or order that imposes the temporary designated speed:

(A) Specifies the hazard, damage or other condition requiring the temporary designated speed; and

(B) Is effective only for a specified time that corresponds to the hazard, damage or other condition specified.

(d) A temporary designated speed imposed under this subsection must be imposed by a proper written ordinance or order. A sign giving notice of the temporary designated speed must be posted at each end of the portion of highway where the temporary designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The temporary designated speed shall be effective when signs giving notice of the temporary designated speed are posted.

(9) A road authority may establish an emergency speed on any highway under the jurisdiction of the road authority that is different from the existing speed on the highway. The authority granted under this subsection is subject to all of the following:

(a) A speed established under this subsection is effective when appropriate signs giving notice thereof are posted upon the highway or portion of highway where the emergency speed is imposed. All signs posted under this subsection must comply with ORS 810.200.

(b) The expense of posting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway or portion of highway where the emergency speed is imposed.

(c) A speed established under this subsection may be effective for not more than 120 days.

(10) A road authority may establish by ordinance a designated speed for a highway under the jurisdiction of the road authority that is five miles per hour lower than the statutory speed. The following apply to the authority granted under this subsection:

(a) The highway is located in a residence district.

(b) The statutory speed may be overridden by a designated speed only if:

(A) The road authority determines that the highway has an average volume of fewer than 2,000 motor vehicles per day, more than 85 percent of which are traveling less than 30 miles per hour; and

(B) There is a traffic control device on the highway that indicates the presence of pedestrians or bicyclists.

(c) The road authority shall post a sign giving notice of the designated speed at each end of the portion of highway where the designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The designated speed shall be effective when signs giving notice of the designated speed are posted.

(11) A city may establish by ordinance a designated speed for a highway under the jurisdiction of the city that is *[five]* **up to 10** miles per hour lower than the statutory speed, **so long as the designated speed is not less than 20 miles per hour**. The following apply to the authority granted under this subsection:

(a) The highway is located in a residence district.

(b) The highway is not an arterial highway.

[(c) The city shall post a sign giving notice of the designated speed at each end of the portion of highway where the designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The designated speed shall be effective when signs giving notice of the designated speed are posted.]

(c) The designated speed is effective when appropriate signs giving notice of the designated speed are posted on the highway where the designated speed is imposed.

(12) Notwithstanding ORS 801.430, as used in subsection (11) of this section, "residence district" includes territory not comprising a business district that is contiguous to a highway and has access to dwellings provided by alleys.

Passed by House April 5, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate April 24, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Shemia Fagan, Secretary of State

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	May 17, 2023	Resolution No. 1513 and Resolution No. 1514 to set new water/sewer rates effective May 21, 2023
Council Goal:	Agenda Type:	
Not applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

- 1) Motion to adopt Resolution 1513, a resolution of the Toledo City Council adjusting the rates and charges to be paid by the users of the water system of the City of Toledo and repealing Resolution No. 1489.
- 2) Motion to adopt Resolution 1514, a resolution of the Toledo City Council adjusting the rates and charges to be paid by the users of the sewerage system and repealing Resolution No.1490.

Background:

After review and discussion, the City Council directed staff to prepare necessary resolutions to adopt new water and sewer rates effective May 21, 2022 reflecting a 3% increase.

As a reminder, the agreement with Seal Rock Water District is currently being negotiated.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2022-2023	N/A

Attachment:

1. Resolution No. 1513
2. Resolution No. 1514

**CITY OF TOLEDO
RESOLUTION NO. 1513**

A RESOLUTION OF THE TOLEDO CITY COUNCIL ADJUSTING THE RATES AND CHARGES TO BE PAID BY THE USERS OF THE WATER SYSTEM OF THE CITY OF TOLEDO AND REPEALING RESOLUTION NO. 1489

WHEREAS, the City of Toledo has passed an ordinance establishing and regulating its water system; and

WHEREAS, the rates and charges to be paid by users may be adjusted annually on May 21st by resolution of the City Council.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

Section 1. Effective May 21, 2023, the just and equitable charge to be paid by all users of the water system of the City of Toledo, Oregon, within and outside the boundaries of the City shall be based on the meter rates provided in “Exhibit A”.
For all of water users, the charge for water is the sum of Facilities, Service and Water Use Charges:

- a. The Facilities Charge for each classification is based on one 5/8-inch meter equivalent, and the charge is increased by the following meter equivalent factor for any meter larger than the minimum size:

Meter Size	Equivalent
5/8“	1
3/4“	1.5
1”	2.6
1-1/4”	4.1
1-1/2”	5.9
2”	10.5
3”	23.6
4”	41.9
6”	94.3
8”	167.5
10”	261.0
12”	377.0

- b. The Service Charge is determined and payable for each meter.
- c. The Water Use Charge is for each 1,000 gallons of water consumed.

Section 2. The fees and charges payable in this resolution shall be twice the amounts set forth in those sections for all users who reside outside the boundaries of the City, as described in “Exhibit A”.

- Section 3. Monthly standby charges for automatic fire service shall be based on one-half of the Facilities Charge based on the meter size.
- Section 4. The connection fee for a 5/8", 3/4" or 1" service connection in a location within the boundaries of the City and not previously served shall be the actual cost of labor, equipment, and material furnished by the City, as defined in Section 13.12.330 of the Toledo Municipal Code. The fee for all other such connection of larger meters shall be above actual cost. The connection fee for change in the size of existing service shall be above actual cost less credit for salvaged materials from the original service.
- Section 5. Administrative fees associated with a water account shall be established and provided on "Exhibit A".
- a. If a City of Toledo employee is dispatched to discontinue water service to a user for non-payment of service, a Service Reconnect Fee will be required, payable in advance before water service is reinstated.
 - b. All new water service accounts will require a Water Account Deposit before water service is begun as defined in Resolution No. 1408.
 - c. If a water meter is removed for any reason other than maintenance by the City, a Meter Reinstallation Fee will be required.
 - d. A Late Payment Notice Fee will be applied upon notice being sent to the customer that the account is delinquent.
 - e. The Service Charge will be applied per request for service.
 - f. The Meter Test Fee will be applied to cover the cost of the test of a 3/4" or 5/8" water meter. For larger meters, the Meter Test Fee shall be an amount set by the City Manager upon application for the test.
- Section 6. The practice of allowing customers to put their account "on vacation" shall be discontinued.
- Section 7. Resolution No. 1465 is hereby repealed in its entirety.
- Section 8. The Resolution shall become effective on May 21, 2023

That this Resolution shall be effective upon passage by the City Council this 17th day of May, 2023.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

EXHIBIT “A”

Water Rates Effective May 21, 2023

For all of water users, the charge for water is the sum of Facilities, Service and Water Use Charges listed below:

WATER RATES-INSIDE CITY LIMITS

Water Use Charge (per 1000 gallons)	\$5.45
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Facilities and Service Charge by Meter Size

Meter Size	Multiplier	Facilities Charge	Service Charge	Total Facilities and Service Charge by Meter Size
5/8”	1.0	\$27.84	\$6.29	\$34.13
3/4”	1.5	\$41.75	\$6.29	\$48.04
1”	2.6	\$72.38	\$6.29	\$78.67
1.25”	4.1	\$114.12	\$6.29	\$120.41
1.5”	5.9	\$164.22	\$6.29	\$170.51
2”	10.5	\$292.26	\$6.29	\$298.55
3”	23.6	\$656.90	\$6.29	\$663.19
4”	41.9	\$1166.29	\$6.29	\$1172.58
6”	94.3	\$2624.84	\$6.29	\$2631.13
8”	167.5	\$4662.37	\$6.29	\$4668.66
10”	261.0	\$7264.93	\$6.29	\$7271.22
12”	377.0	\$10493.79	\$6.29	\$10500.08

WATER RATES-OUTSIDE CITY LIMITS

Water Use Charge (per 1000 gallons)	\$10.89
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Facilities and Service Charge by Meter Size

Meter Size	Multiplier	Facilities Charge	Service Charge	Total Facilities and Service Charge by Meter Size
5/8”	1.0	\$55.68	\$12.59	\$68.27
3/4”	1.5	\$83.49	\$12.59	\$96.08
1”	2.6	\$144.75	\$12.59	\$157.34
1.25”	4.1	\$228.25	\$12.59	\$240.84
1.5”	5.9	\$328.45	\$12.59	\$341.04
2”	10.5	\$584.54	\$12.59	\$597.13
3”	23.6	\$1313.82	\$12.59	\$1326.41
4”	41.9	\$2332.57	\$12.59	\$2345.16
6”	94.3	\$5249.67	\$12.59	\$5262.26
8”	167.5	\$9324.73	\$12.59	\$9337.32
10”	261.0	\$14529.87	\$12.59	\$14542.46
12”	377.0	\$20987.60	\$12.59	\$21000.19

ADMINISTRATIVE ACCOUNT FEES

Service Reconnect Fee	\$55.10
Water Account Deposit	\$149.00
Meter Reinstallation Fee	\$55.10
Late Payment Notice Fee	\$11.00
Service Charge	\$16.50
Meter Test Fee	\$38.57

**CITY OF TOLEDO
RESOLUTION NO. 1514**

A RESOLUTION OF THE TOLEDO CITY COUNCIL ADJUSTING THE RATES AND CHARGES TO BE PAID BY THE USERS OF THE SEWERAGE SYSTEM AND REPEALING RESOLUTION NO. 1490

WHEREAS, the City of Toledo has passed an ordinance establishing and regulating its sewerage system; and

WHEREAS, The rates and charges to be paid by users may be adjusted annually on May 21 by resolution of the City Council.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

Section 1. Effective May 21, 2023, the just and equitable charge to be paid by all users of the sewerage system of the City of Toledo, Oregon, within and outside the boundaries of the City shall be based on the sewer rates provided in “Exhibit A”.

For all sewer users, the charge for sewer is the sum of the Base and Flat Rate per Thousand Charges:

a. Each user of the sewerage system shall pay a Base Charge as described in the attachment marked “Exhibit A” for each month of service billed as of May 21, 2023. This charge covers the first one-thousand (1000) gallons of treated city water used to calculate the charge paid by the user under Section 1.(b).

b. The just and equitable charge to be paid by all non-industrial users of the sewerage system shall be a Flat Rate per Thousand as described in “Exhibit A”. This charge will be based on each one-thousand (1000) gallons of treated city water billed for the previous monthly average of January through April calculated each May (This calculation is referred to as a “Winter Average”). This charge is exclusive of the first one-thousand (1000) gallons of water used during a month (see Section 1.(a)). The same charge shall remain in effect for the remaining months of the year until the average is calculated again. If there is no history for an account, the monthly average shall be established by the City Manager based on the history of similar users. The City Manager will evaluate winter average changes upon written request of the customer.

c. The just and equitable charge to be paid by all industrial users of the City's sewerage system shall be, at the option of the user, the charge set out in Section 1.(b) above which is based on average water usage by the customer or the Flat Rate per Thousand for every one-thousand (1000) gallons of metered sewerage flow. If the customer chooses the latter method, the customer shall install and maintain to the

City's satisfaction a flow meter in the sewer lines carrying the customer's sewage.

d. If the user of the sewerage system is not also a water system user the charge to that user for sewerage service shall be based on the average monthly usage of all water users in the same customer class, except industrial users.

Section 2. The fees and charges payable in this resolution shall be twice the amounts set forth in those sections for all users who reside outside the boundaries of the City, as described in "Exhibit A".

Section 3. The installer of every new hook up to the City's sewerage system shall pay an inspection fee towards the City's cost of inspecting the work performed for the system connection, as described in "Exhibit A".

Section 4. Cap consumption is not utilized in the billing system.

Section 5. The practice of allowing customers to put their account "on vacation" shall be discontinued.

Section 6. Resolution No. 1490 is hereby repealed in its entirety.

Section 7. That this resolution shall be in effect on May 21, 2023.

That this Resolution shall be effective upon passage by the City Council this 17th day of May, 2023.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

EXHIBIT “A”

Sewer Rates Effective May 21, 2023

	Base charge*	Flat rate per thousand**
Inside City Limits	\$19.80	\$18.88
Outside City Limits	\$39.58	\$37.76

*Base charge includes the first thousand gallons of treated City water used to calculate average.

** Flat rate per thousand based on average water usage January-April for non-industrial users.

Sewer Inspection Fee	\$165.00
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**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	May 17, 2023	Adopt Resolution No. 1515, a Resolution of the Toledo City Council to set new Water Standby Rates effective May 21, 2023
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to adopt Resolution No. 1515, A Resolution of the Toledo City Council to set new Water Standby Rates effective May 21, 2023

Background:

Monthly standby charges are specified in Ordinance No 1093 Section 13.4 to be set by Council by resolution. Council discussed and voted to set new rates on May 3, 2023.

The Ordinance further specifies that “no charge will be made for water used in the extinguishing of fires if the owner or agent reports such use to the city water utility in writing within ten (10) days of such usage.”

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachment:

1. Resolution No. 1515

**CITY OF TOLEDO
RESOLUTION NO. 1515**

A RESOLUTION OF THE TOLEDO CITY COUNCIL SETTING NEW WATER STANDBY RATES EFFECTIVE MAY 21, 2023

WHEREAS, the City of Toledo passed Ordinance 1093, Section 13 Fire Protection Service; and

WHEREAS, Section 13.4 states “Monthly standby charges for automatic fire service shall be as prescribed by the rate schedule adopted by the council by resolution; and

WHEREAS, the Toledo City Council discussed and approved the rates at their regular meeting on May 3, 2023.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

Section 1. The monthly charge for a water line 5” or greater shall be \$500.00.

Section 2. The monthly charge for a water line 2” to 4.9” shall be \$100.00

Section 3. The monthly charge for a water line less than 1.9” shall be \$50.00

Section 4. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 17th day of May 2023.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	May 17, 2023	Resolution No.1516, a resolution establishing a policy related to signs located along Main Street, at the east and west junction entrances into the City of Toledo
Council Goal:	Agenda Type:	
Maintain and improve public infrastructure and facilities	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Attorney M. Adams	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to approve Resolution No. 1516, a resolution of the Toledo City Council establishing a policy related to signs located along Main Street, at the East and West junction entrances into the City of Toledo and directing City Staff.

Background:

The City Council is establishing a policy that is content neutral, which is implemented without city staff reading the message on a particular sign or banner. It is limited to temporary or portable signs, to be placed at the East and West Highway 20-Business 20 intersections, and on the posts in the city's right-of-way adjacent to Dairy Queen, and banners, along Main Street, or on Highway Business 20, attached to power poles.

Based on the First Amendment to U.S. Constitution, Article I, section 8, of the Oregon Constitution, appellate case law, including *Shurtleff v. Boston*, *Reed v. Town of Gilbert*, I believe this policy is legally sufficient and will assist in preventing claims made against the City.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachments:

1. Resolution No. 1516

**CITY OF TOLEDO
RESOLUTION NO. 1516**

A RESOLUTION OF THE TOLEDO CITY COUNCIL ESTABLISHING A POLICY RELATED TO SIGNS LOCATED ALONG MAIN STREET, AT THE EAST AND WEST JUNCTION ENTRANCES INTO THE CITY OF TOLEDO AND DIRECTING CITY STAFF

WHEREAS, The City of Toledo accepted a donation of the East Highway 20 Junction sign from the Toledo Hometown Project Committee on July 7, 1999; and

WHEREAS, The City received a grant, from the Oregon Tourism Commission, to supplement the funds raised by the Toledo Hometown Committee, to construct the sign at the West Highway 20 Junction on March 15, 2000; and

WHEREAS, The City having a sign policy in place is important because: 1) it provides a framework with which decisions can be made regarding the eligible signs and 2) provides a point of reference for the decisions related to the posting of signs to decrease the likelihood of challenges under the first amendment.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

- Section 1. Purpose. That the City Council establishes that the purpose of this policy is to establish guidelines for:
- A. The exhibition of temporary or portable banners, for city-endorsed events, along Main Street, or on Highway Business 20 near Main Street, which are attached to the street light poles (hereafter defined as “Banners”); and
 - B. The exhibition of temporary or portable signs, for city-endorsed events, which are located on or near the “Welcome to Toledo” signs at the East and West Junctions of Highway 20-Business 20, near the entrances into the City, and at or near the entry into the city (hereafter defined as “East and West signs”); and
 - C. The exhibition of temporary or portable signs, for city-endorsed events, which are located on the posts adjacent to Dairy Queen in the City of Toledo’s right-of-way after entering the City from the West at the West Junction of Highway 20-Business 20 (hereafter defined as “East Junction Post Sign”); and
 - D. Collectively, when referring to all the above-described Signs and Banners, the term “Signs” is hereafter used, unless it is apparent that there is a different meaning.
- Section 2. Findings. That the City Council makes the following findings in declaring the policy of the City of Toledo:
- A. The City Council determines that it is the policy of the City of Toledo that the Signs, at the locations identified Section 1 (hereafter “Sign Locations”), are permitted only for city-endorsed events, as defined in Section 3 below; and
 - B. This policy is the City’s government speech –that the city-endorsed events are permitted as an expression of the city’s official sentiments; and

- C. The signs and banners allowed at the Sign Locations will not be open “to accommodate to all applicants,” which is viewed by *Shurtleff v. Boston* decision to not be government speech, but to be private speech; and
- D. The Sign Locations are not intended to serve as a forum for free expression by the public; and
- E. Therefore, the City intends to regulate the time, place, and manner of the Signs at the Sign Locations.

Section 3. City-Endorsed Events. That the City Council adopts the following as an expression of the City of Toledo’s official sentiments as far as which Signs that can be placed at the Sign Locations:

- A. The Signs are intended to highlight city-endorsed community events, which are events that the City Manager decides will increase community enhancement, tourism, or economic development, with preference given to the City’s events above all others; and
- B. The city-endorsed events are further meant to honor the City’s enhanced support of education, art, and to attract tourism and business to Toledo, including, without limitation, the Wooden Boat Show, Art Toledo events, and honoring graduations from the Toledo High School; and
- C. This policy does not permit “advertising,” “commercial advertising,” or “commercial vending,” which is prohibited. For example, “Drink Coke” is not permitted, which is distinguished from what is allowed, including, without limitation, “The Wooden Boat Show sponsored by Coke,” or a corporate symbol included on a sign, such as the Rogue Brewery, identifying it as a sponsor of an event; and
- D. There is no “swapping” of a permit that has been granted, or transfer among different parties, or substitution of events.
- E. If the City Manager does not find that a planned event is “a city-endorsed event,” or declines to issue a permit to place a Sign or Banner for any reason, the City Council may consider the request of the applicant at a public meeting.

Section 4. Permit Process. That the City Council establishes a permit-based system:

- A. Priority. The City’s events will take priority. Other non-profit and government entities will be given an application preference, above for-profit events, at the Sign Locations. Regardless, the City will accept permit applications on a first come first served basis, except the City may reserve a spot for its events.
- B. Permit Required. No Signs shall be placed at the Sign Locations designated in Section 1 except as provided by this policy and after a permit has been issued by the City Manager, acting as the sign official, who may delegate authority to implement the specifics of this policy; and

- C. **Start Date.** The start date for the period that Signs can be placed at the Sign Locations is not based on anything that the permit-holder states on the Signs, but instead is based on the date that the permit is issued. Regardless of when the permit application is submitted, the permit term shall start when the permit is issued, which shall be specified on the permit application, without the city staff having to review the actual sign to be placed at the Sign Locations.
- D. **Permit Term.** The City will grant a permit for a period of 14 days, from the date that the permit is issued, or for a longer or shorter period, based on the request of the applicant in the permit application, at the sole discretion of the City. The City may also take a sign down early, referencing the log and looking at the number on the sticker, if there are too many applications; and
- E. **Application.** City Staff shall create a simple permit system under which an applicant who seeks to put up temporary Signs will submit a relatively simple application form, requiring the applicant's name and address, entity, if any, name of the event, and the date that the applicant wishes the permit to be issued and sign removed; and
- F. **Sticker.** The applicant will receive in return a sticker (with a date, a specified number of days into the future, as defined in subsection d. above) to put on the back of the Signs. Alternatively, the city staff will maintain a log of the permit start dates, and will place an identifying number on the sticker for those Signs.
- G. **Installation.** Although the start date begins when the permit is issued, the applicant understands that installation may take up to one (1) week after the applicant has delivered the Signs to City Hall, and shall retrieve them from the same location once removed. Regardless of when a permit application is submitted to the city, the City Manager or designee will coordinate with the Public Works Department (PWD) to place the Signs, based on when a permit is issued, without regard for location preference at a particular Sign Location.
- H. **Display Location.** The display locations are limited, as is the staff time available to manage the Signs installation and removal, and as such over utilization by any one applicant may be limited if too many Signs or locations are applied for or too many re-installations are requested.
- I. **Removal.** If the Sign is not removed by the date on the city-issued sticker, or alternatively, referencing the log and looking at the number on the sticker, the Sign is then in violation of this policy. At that point, City Public Works can remove the Signs, but based only on the date on the sticker, or alternatively, referencing the log and looking at the number on the sticker, or if there is no sticker, without consideration of the event dates on the face of the Signs; and
- J. **Constitutional Issues.** The constitutional significance of the procedure is that it can be carried out without any need for the city employee acting as the enforcement officer to see or read any part of the permit-holder's messages on the face of the Signs; and
- K. **Fee.** The City will not charge a fee for the placement and removal of signs on or near the "Welcome to Toledo" signs at the East and West Junctions of Highway

20-Business 20, because temporary signs that are up for less than 60 days a year, are no more than 12 square feet, and not posted for compensation may be exempt from being required to have an Oregon Department of Transportation permit. Also, the City will not charge a fee for the placement and removal of Banners. However, the City will charge a reasonable fee, both for both placement and removal, determined by City Council, in the amount of \$____, for signs located at East Junction Post Sign location, adjacent to Dairy Queen, in the City of Toledo's right-of-way after entering the City from the West at the West Junction of Highway 20-Business 20.

L. Banner Construction Standards. The following additional requirements shall apply to all Banners located on City street light poles:

(1) The City has identified specific locations to allow placement of banners on street light poles.

(2) Banners located on street light poles shall be two (2) sided.

(3) Banner material shall be two-ply 12-ounce vinyl banner sheeting sewn together with a 1-1/2 inch border hem, or a commercial heat-sealed hem.

(4) Banners shall be 23 inches wide by 48 inches long, center of mounting pocket to center of mounting pocket.

(5) Banners shall have 4-inch opening mounting pockets or a sleeve on both the top and bottom of the banner.

(6) Banner(s) shall be made of a durable material constructed to withstand wind pressure of 20 pounds per square foot of exposed surface.

(7) The City is not responsible for damage to banners due to vandalism or any weather related event or for any other reason.

M. Sign Construction Standards. The following additional requirements shall apply to all Signs located at the East and West Junctions of Highway 20-Business 20 intersections:

(1) Signs shall be the size of 6' or 8' wide, no more than 4' tall; and

(2) Signs to be provided by applicant & must have eyelets sewn in to be able to be hung using stretchable cord /rubber bungee; and

(3) The City is not responsible for damage to banners due to vandalism or any weather related event or for any other reason.

N. Damages. The City of Toledo is not responsible for damages occurring to Signs and Banners during installation and removal, or while on display, due to weather, vandalism, or for any other reason. During a sign or banner deployment, should the Signs or Banners become damaged or impaired to a point that the City Manager determines that the Signs or Banners pose a

hazard to the commuting public or will interfere with operational or safety conditions, the Signs or Banners shall be removed and returned to the applicant. If there is remaining time within the permit period, the applicant may be allowed to provide replacement Signs or Banners for the remainder of the permit period. At no point will the city refund any fee paid.

- O. Refusal. The City reserves the right to refuse a reservation that may be in violation of any of provisions in this policy.

That this resolution is hereby adopted by the Toledo City Council on this 17th day of May, 2023.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa



ToledoCityCouncil Dashboard- MAY 2023

Police

Dispatch

623 CAD Screens

33 Case Numbers

628 Inbound calls

- 137 - 911 calls
- 491 - Admin calls

Traffic

<u>Citations</u>	
Driving Uninsured	3
DWS-Violation	7
Failure to Drive w/in Lane	3
Improper Display of Sticker	1
Violation of Posted Speed	5
Total	19

	<u>Citations</u>	<u>Warnings</u>	<u>Total</u>	<u>Average Warning</u>	<u>DUII</u>
Total	19	59	78	76%	0

Crimes

Person

Assault	1
Sex Offense	1
Total	2

Property

Burglary	1
Hit and Run - Property	1
Theft	1
Total	3

Society

Warrant	7
Total	7



Total Crimes	12
Total Cleared Crimes	10
Cleared by Arrest	83%

Library

	January	February	March	April
Circulation of all items	2895	3389	3923	3425
Hotspots	17	16	19	13
Laptops	3	8	5	2
In person visits	1120	1064	1176	1239
Storytime	65	64	74	60
Other programs				
Podcast	99	143	213	172
Computers sessions	122	160	110	120
Reference	79	92	120	94
Facebook Viewings				
Post reach	4259	3,412	4,704	4,724
Post Engagement 595	595	906	1,546	906
New Page Likes	7	11	10	19
Volunteer Hours	20	20	34.5	32
Community Room Use	29	31	33	18
Upstairs conference room	5	8	9	12

Fire

- 64 calls
 - 48 medicals
 - 6 Fires
 - 8 public assists
- Spring time starts our Wildland fire training with Oregon Department of Forestry and any other department that wants to attend. This will last for two months

Court

Citations 9



Finance summary \$ 4,472.24

Public Works

New Construction Applications:

New house 815 SE Beaver Street

Roof at 160 N Main Street

Restroom building at 840 NW A Street

Work-in the Right-of-Way permit for cluster mailboxes (various locations)

Driveway work at 515 NW Radio Court

Demolish home 1253 NW Spruce Street

Land Use Applications:

1. Floodplain Development Permit for a Quonset roof over storage container at 1000 Altree Lane
2. Floodplain Development Permit for restroom building at 840 NW A Street
3. Temporary Use Permit for RV use during demolition and rebuild at 1259 NW Meadow Lane/1253 NW Spruce Street

Annual Department Statistics				
Type of Permit	April	2023	2022	2021
Building Permit	3	8	21	27
Other Permits*	3	14	38	20
Land Use Application	3	7	23	29
Truck Permit	0	14	14	13
Value of Construction Improvements	\$243,500	\$440,350	\$2,267,667	\$4,167,776

*includes permits for excavation, work in the right-of-way, demolition, and water/sewer connections.