

**TITLE TWO
GOVERNMENT AND
ADMINISTRATION**

2.01.00-2.05.00 *Reserved for expansion.*

COUNCIL MEETINGS

2.06.00 Council Meeting Rules. Unless otherwise indicated, Ordinance 96-104 enacts Section 2.06.01 through 2.06.23.

2.06.01 Meetings. The Council shall meet in regular session on the second and fourth Thursday of each month in the Council chambers at a time set by the Council. If attendance at a Council meeting is expected to exceed the capacity of the Council chambers, the City Administrator may select an alternative location as long as such location is publicized on the posted agenda for the meeting seven days in advance of the meeting. A meeting may be canceled with the concurrence of a majority of the Council, but in no event shall there be less than one meeting per month.

2.06.02 Regular Meetings Falling on Holidays. If the regular meeting date of the Council falls on a legal holiday, as defined by ORS Chapter 187, the meeting shall be canceled unless it is determined by the Mayor or City Administrator seven days in advance that there is urgent business that can not wait until the next regularly scheduled meeting, in which case, the meeting shall be noticed according to ORS provisions. *(Amended by Ord. 12-101, 08/23/12)*

2.06.03 Special Meetings. Special meetings of the Council may be called at any time by the Mayor, by the President of the Council in the Mayor's absence or

at the request of two members of the Council, by giving notice of the meeting to the Council members and the public in a manner and for a time as circumstances permit, but with a view of obtaining the largest possible attendance of Council members. Except in an emergency, as determined by the Mayor, at least 24 hours notice will be provided.

2.06.04 Study Sessions. Study sessions of the Council shall be held in accordance with state statutes whenever special circumstances require such a session, and the session may be called by either the Mayor or a majority of the Council.

2.06.05 Executive Sessions. Executive sessions may be held before, after or during regular or special meetings and study sessions, so long as appropriate statutory requirements of Oregon Public Meeting laws are met.

2.06.06 Council Rules in General. The Council will generally follow Robert's Rules of Order; however, it has the obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid the finer points of parliamentary rules that serve only to obscure the issues and arouse the suspicions of the audience at public meetings and the citizens in general. The Mayor or President of the Council, in the Mayor's absence, shall be the final authority on procedural matters.

2.06.07 Quorum. The Mayor, or in his absence the President of the Council, shall call the meeting to order at the hour

designated for the meeting. If a quorum is not present, absent members, except those known to be unavoidably detained, shall be contacted and informed that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.

2.06.08 Agenda. The City Administrator shall prepare an agenda of business to be presented at a regular Council meeting. The Council may pass rules for how citizens can submit items to be placed on the agenda. Council members and the Mayor will endeavor to have subjects they wish to have considered submitted to the City Administrator in time to be placed on the agenda. The Council may amend the agenda to consider items which are urgent in nature and cannot wait until the next scheduled meeting. *(Amended by Ord. 12-101, 08/23/12)*

2.06.09 Order of Business. The order of business at each Council meeting shall be in accordance with the agenda prepared by the City Administrator.

2.06.10 Repealed *(Ord. 03-105, 12/11/03)*

2.06.11 Public Hearings. Public Hearings will normally be one of the first items on the agenda. Prior to each public hearing the presiding officer shall announce the nature of the matter to be heard and hearing procedures. The presiding officer shall then declare the hearing open and invite any member of the audience to come forward to be heard. If appropriate, the presiding officer may first ask those in favor of the stated matter to come forward, with those speaking in opposition coming

after. Speakers will limit their comments to the matter being considered. The presiding officer may, with the approval of a majority of the Council present, limit the time and number of speakers at each public hearing. The presiding officer shall announce the restriction prior to commencement of the hearing.

2.06.12 Voting Generally.

(a) The vote on every motion shall be taken by voice vote or roll call and entered in full upon the record.

(b) A roll call vote shall be used for all ordinances. Any member of the Council may request a roll call vote on any issue before the Council. Members shall not explain their vote during the roll call. Any member may change his or her vote prior to the next order of business.

(c) When a vote is taken, a member may abstain but must declare on the record the reason for doing so. No member shall be permitted to vote on a subject in which he or she has direct pecuniary interest.

(d) Unless otherwise provided by charter provision, the concurrence of a majority of the Council present at a Council meeting shall be necessary to decide any question before the Council.

(Amended by Ord. 12-101, 08/23/12)

2.06.13 Reconsideration of Actions Taken. A member who voted with the majority may move for a reconsideration of an action at the same or next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council members present.

2.06.14 Passage of Resolutions and Ordinances. Each resolution shall be

read only once before being voted on, and that reading may be by title only unless any member of the Council requests the resolution be read in full. A resolution is effective immediately upon passage. Ordinances will be enacted in accordance charter provisions.

2.06.15 Speaking by Council Members Generally. Every Council member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine remarks to the question under debate.

2.06.16 Questioning of Administrative Staff by Council Members. Every Council member desiring to question the administrative staff shall address the questions to the City Administrator, who shall be entitled to either answer the inquiry or designate a staff member to do so.

2.06.17 Administrative Staff and City Employees Addressing Council or Public. Members of the city staff and other city employees desiring to address the Council or members of the public shall first be recognized by the chair and shall address the remarks to the chair. The staff may respond to questions or comments by the Council or members of the public with permission of the chair, but shall always do so in a polite, tactful manner.

2.06.18 Citizens Addressing the Council.
(a) Two opportunities shall be provided on the agenda for public comments, one at the beginning and one at the end of each meeting.
(b) A citizen desiring to address the Council shall wait to be recognized by the presiding officer. After recognition, the person's name and address shall be

stated for the record. During public comment periods on the agenda, citizens may speak on the record on any subject they wish. Action on issues that require review or questions asked that cannot be answered at the time will be deferred until the next Council meeting to allow staff to research the issue for any necessary Council action. For public comments on other agenda topics, remarks will be limited to the question under discussion. No person shall enter into discussion without being recognized by the presiding officer. The opportunity for public comment on agenda items is not meant to allow citizens to enter into the debate over a question before the Council, but instead is meant to allow citizen input into the Council decision making process. *(Amended by. Ord. 02-103, 9/12/02)*

(c) A citizen addressing the Council shall be limited to five minutes unless further time is granted by the presiding officer. No public member shall be allowed to speak more than once upon any one subject until every other public member choosing to speak has spoken.

(d) After a motion has been made or after public hearing has been closed, no public member shall address the Council without first securing permission from a majority of the Council members present.

2.06.19 Sergeant-at-Arms. The Sergeant-at-Arms shall be the City Administrator or if present, any Police Officer. The Sergeant-at-Arms shall assist the presiding officer, as appropriate, to maintain order and decorum at all meetings.

2.06.20 Order and Decorum.
(a) Any of the following shall be sufficient cause for the Sergeant-at-Arms

to, at the direction of the presiding officer, remove any person from the Council chambers, or meeting hall, for the duration of the meeting:

(1) If verbally loud or verbally disruptive so as to interfere with the business of the Council

(2) Making a loud and disruptive noise so as to interfere with the business of the Council.

(3) Engaging in violent and distracting conduct.

(4) Willful damage of furnishings or of the interior of the Council chambers or meeting hall.

(5) Refusal to obey the rules of conduct provided within this ordinance, including limitations on occupancy and seating capacity.

(6) Refusal to obey an order of the presiding officer or an order issued by a Councilor which has been approved by a majority of the Council present.

(b) Before the Sergeant-at-Arms is directed to remove any person from the meeting hall for conduct described in subsection 1, that person shall be given a warning by the presiding officer to cease the prohibited conduct or actions.

(c) If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Council present may order that the Council chambers or other meeting hall be cleared.

2.06.21 Seating Capacity. The safe occupancy and seating capacity of the Council Chambers as determined by the Fire Marshal shall be posted. The limitations on occupancy and seating capacity shall be complied with at all times.

2.06.22 Flags, Signs and Posters. No flags, posters, placards or signs, unless authorized by the presiding officer, may

be carried or placed within the Council chambers, any meeting hall in which the Council is officially meeting, or any meeting hall in which a public hearing is being held. This restriction does not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided such devices are of such size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another. Visual aids required for presentations to the Council shall be permitted with prior coordination with the City Administrator.

2.06.23 News Media. The provisions of this ordinance shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting.

2.07.00-2.09.00 *Reserved for expansion.*

CONTRACTS AND PURCHASING

2.10.00-2.10.10

(Repealed 01/31/2013 Ord. 13-101)

2.11.00 Disposition of Surplus Property Unless otherwise indicated, Ordinance 96-102 enacts Section 2.11.01 through 2.11.05.

2.11.01 Definition. Surplus property is personal or publicly owned property purchased by the city and used until worn out or no longer useful, property for which the intended use no longer exists, property found and unclaimed, property that has been seized and forfeited or property that was received by the city as a gift.

2.11.02 Transfer to Public and Non-Profit Agencies. The city may transfer surplus property without remuneration or only nominal remuneration without competitive bids to itself, another public agency or any recognized non-profit activity.

2.11.03 Trade-Ins. Surplus property may be traded in on similar new property if the City Administrator determines that it would be more beneficial to the city to trade it in than to sell it outright.

2.11.04 Auction Sales. Surplus property may be sold at auction if the city determines that there will probably result in a higher net return than if the property were sold by competitive bid.

2.11.05 Other Sales. Items for sale not sold at public auction shall be advertised for sale by competitive sealed bid by the City Administrator at least once in at least one newspaper of general circulation in the area and/or any other publication deemed appropriate. The advertisement shall state the item or items to be sold, the minimum acceptable price, conditions of sale if any and the date, time and place at which the bids may be submitted. Bids shall be sealed and opened by the City Administrator at a date, place and time specified in the advertisement. The City Administrator shall award such bids and may reject any or all bids received. Successful bidders must claim property and make payment within five days of award notification. Payment must be by cash or cashier's check with the exception that the City Administrator may, at his/her discretion and on a case by case basis, accept personal checks.

PLANNING COMMISSION

2.12.00 – 2.12.07

(Repealed 10/1/2020 Ord. 20-103)

CITY PARK ADMINISTRATION AND RULES

2.13.00 Parks, General. Unless otherwise indicated, Ordinance 00-100 enacts Section 2.13.01 through 2.13.09.

2.13.01 Definition. As used in this section, the word "park" shall mean any public grounds under the supervision or control of the City of Turner which is accessible to the public and is managed by the City for the purpose of general, active and passive recreation, and is specified as a park by resolution of the City Council.

*(Amended by Ord. 12-102, 08/23/12)
(Amended by Ord. 19-104, 07/13/19)*

2.13.02 Responsibilities.

(a) The City Administrator has primary responsibility for administration of City Parks.

(b) The Public Works Department is responsible for all maintenance, upkeep and repair of City Park Facilities.

(c) The City Council shall establish general policy guidelines for both park administration and park use. It shall also approve of any fees and establish said fees by Resolution of the City. The City Council shall hear and decide any appeal of decisions made by the City Administrator.

(Amended by Ord. 12-102, 08/23/12)

2.13.03 Parks Master Plan. The City will establish a Parks and Recreation Master Plan to provide long term planning for improvements for Parks and

Recreation infrastructure, facilities and programs. This plan will be updated as determined necessary by the City Council.

2.13.04 Parks and Recreation Advisory Committee. The City may establish a Parks and Recreation Advisory Committee. Members of this Committee will be appointed by the City Council based on qualifications deemed appropriate by the City Council. This Committee will advise the City Council on matters pertaining to Parks and Recreation facilities and programs.

2.13.05 Park Operating Policy.

(a) Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year during designated hours. The City Administrator may establish opening and closing hours for each individual park, which shall be posted therein for public information.

(b) Any group or organization, sponsoring or organizing activities for either commercial or noncommercial purposes, will not be allowed to use a city park property without City approval. The City Administrator or designee of the City Administrator may establish administrative procedures for providing such approval. The city may approve a reservation upon finding:

(1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(2) That the proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety, and recreation;

(3) That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;

(4) That the proposed activity will not entail unusual, extraordinary activity, or burdensome expense, or police operation by the city; and

(5) That the facilities desired have not been reserved for other use at the day and hour required.

(c) The following rules shall apply to organized group usage of park facilities, including Fisher Field, Turner Lake Park and Burkland Park for any group physical activities:

(1) All groups shall provide proof of \$1,000,000 in liability coverage, naming the City as additional insured.

(2) Priority in reservations shall take into consideration any existing lease or long-term use agreement the City has approved.

(3) Additional conditions may be imposed by the City if, based on the size and type of activity, it is deemed needed by the Administrator. Illustrative examples of such conditions would be providing restroom facilities, security requirements or parking control.

(d) The City Administrator or designee of the City Administrator shall have the authority to regulate the activities in park areas when necessary to prevent congestion and to procure the maximum use and safety for the convenience of all. Visitors shall comply with any directions given to achieve this end. Failure to so comply with such regulations shall be considered a violation of this section.

*(Amended by Ord. 12-102, 08/23/12)
(Amended by Ord. 21-102, 6/2/21)*

2.13.06 Park Rules: The following rules shall apply to all City parks designated as such by resolution of the City Council. *(Amended by Ord. 19-104, 07/13/19)* In addition, all City posted signs need to be followed and violators

may be cited. (*Amended by Ord. 21-102, 6/2/21*)

(a) Animals Prohibited; Exceptions.

(1) It shall be unlawful for any person to bring into a park any animal that is not under the continual direct control of such person.

(2) It shall be unlawful for any person to permit any dog to enter upon any portion of a park posted as an area prohibited to dogs.

(3) In addition to any other penalties in this section it shall be unlawful for any person permitting any domestic or other animal including a dog to enter upon or go at large in any park, either with or without a keeper, to fail to immediately remove any and all feces deposited by such animal upon any park properties.

(4) Notwithstanding any other provision of this section, authority is hereby granted to the City Administrator to issue permits for use of the parks or portions thereof for animals in conjunction with special events, services or uses under conditions to be determined by the City Administrator.

(b) Picking Flowers, Injuring Trees, Buildings Fences, Etc. It shall be unlawful for any person to pick any flowers, foliage, or fruit, or to cut, break, dig up, or in any way to mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, building, or any thing in any park, or to cut, carve, paint, mark, or paste on any tree, stone, fence, wall, building, or other structure therein any bill, poster, advertisement, or inscription whatsoever.

(c) Discharge of Fireworks. It shall be unlawful for any person to discharge, set off, or explode any firecracker, torpedo, rocket, or fireworks of any kind in any park, except by special permission from the City Administrator. The City

Administrator shall not grant any permit for the explosion of fireworks except for public fireworks displays that are permitted by the City and coordinated with the Turner Fire District.

(d) Kindling Fires. It shall be unlawful for any person to light, kindle, or use any fire in any park except with permission from the City Administrator, or designee of the City Administrator. This provision shall not apply to fires kindled or set in fireplaces or stoves provided for that purpose in any park or in a portable grill.

(e) Throwing, Batting, Etc., Missiles. No stone, ball, or other missile shall be thrown, batted, hit, or projected, or rolled from, into, within, or upon any park, except in such place as may be designated for a specific activity in which such ball or other object customarily is used. Playing catch with balls, frisbees or other such toys are exempt from this prohibition if such activity is located at least 25 feet from picnic areas or gatherings of people other than those participating.

(f) Firearms and other projectiles. No person shall discharge any firearm, slingshot, arrow, air gun, CO2 or spring actuated rifle or pistol, or other similar device in or into a city park, except in area designated by the City for such activity.

(g) Sales and Solicitations. It shall be unlawful for any person to sell or expose for sale any merchandise, article, or thing, or to solicit any collection, donation, or charge in any park except pursuant to City sanctioned events or activities. (*Amended by Ord. 23-102, 06/22/23*) It shall be unlawful for any person to market, advertise, sell, or expose for sale or rent any merchandise, article, thing, or service, to solicit any collection, donation, or charge in any

park except as expressly approved by the City, and the Joint Committee at Turner Lake. Persons or entities delivering items or things to a park or providing a service to users of the park may have limited, uninitiated conversation with park users regarding their business.

(h) Protection of Water Sources.

(1) No person shall bathe in any body of water in or adjacent to any park.

(2) No person shall wash clothing or other materials, or clean any fish in a lake, stream, drainage ditch or other water source within any park.

(3) No person shall pollute or defile any stream, spring, well or lake in a park.

(i) Disturbing, Injuring, Etc., Animals and Birds. It shall be unlawful for any person to disturb, injure, damage, or kill any bird, bird nest, egg, or any animal within any park.

(j) Excavating, Blasting, Etc. No person shall dig up or remove any dirt, stone, rock, or other thing whatsoever, make any excavation, quarry any stone, or lay or set off any blast or cause or assist in doing any of such things within any park, without a permit from the City Administrator.

(k) Deposit of Rubbish and Broken Glass. It shall be unlawful for any person to throw, leave, or deposit any bottle, broken glass, ashes, coals, burnt materials or refuse, wastepaper or other rubbish, or break any glass in any park, except at such places or in such receptacles as may be designated or provided by the City.

(l) Deposit of Junk. It shall be unlawful for any person to leave or deposit any automobile body, automobile part, junk, metal tank, or like material in any park.

(m) Use of Motor Vehicles. It shall be unlawful for any person to drive or take any automobile or other motor vehicle

into or upon any park except upon such driveways and roadways as may be provided from time to time and may be designated for that purpose, and then only when such automobile or other vehicle is operated or driven pursuant to such rules and regulations as the City may promulgate, except pursuant to City sanctioned events or activities.

(n) Speed Limit. It shall be unlawful for any person to drive or operate any motor vehicle upon any driveway or roadway within any public park at a speed in excess of 10 miles per hour unless a higher rate or speed be permitted as indicated by signs posted by the City.

(o) Parking. Vehicles shall be parked in designated areas only.

(p) Overnight Use of Parks. It shall be unlawful for any person to set up camp, tents or any temporary shelter or to use house trailers, campers, or automobiles for the purpose of overnight camping in any city park between sunset and sunrise; provided, however, groups or individuals that have special purposes may be permitted overnight camping privileges. Any such overnight use shall first have a permit issued by the City in accordance with 5.24.04, Temporary Occupancy of a Campsite.

(q) Use of Alcoholic Beverages in Parks.

(1) No person shall use or consume alcoholic beverages in a public park without first so obtaining a park use permit duly filed with and issued by the city. *(Amended 5/23/24 Ordinance 24-02)*

(r) Smoking shall be prohibited at such public parks the City identifies in a duly approved resolution by the City Council. Smoking shall be permitted in locations at said parks that are approved, designated and signed as limited outdoor “smoking permitted” areas.

(s) The following rules shall apply only to the Turner Lake/Park complex. As referenced below the Joint Committee is the board designated by the land donation agreement.

(1) Only electrically driven motors are allowed to be used on the lake.

(2) The entire lake will be governed by a five mile-per-hour speed limit.

(3) All watercraft and persons on board shall adhere to all applicable state laws.

(4) Access to the lake water shall only be via approved boat ramps, City developed beaches or as approved by the Joint Committee.

(5) Other than for emergency purposes, no boats over 14 feet will be permitted to use the public boat ramp for launching.

(6) Swimming and other water activity by persons under the age of 14 is not permitted without adult supervision. Swimming, inflatable swimming wraps and inner tubes are only permitted within 100 feet of the shoreline. Swimming shall be prohibited after sunset and before sunrise.

(7) No organized, promotional, or commercial activities are permitted on the lake, except as approved by the Joint Committee.

(8) No alcoholic beverages or other regulated intoxicants are permitted on the lake.

(9) No smoking is permitted on the lake.

(10) Life preservers shall be used to the extent required by Oregon law.

(11) No open flames are allowed on any watercraft.

(12) Fishing in the lake is permitted with a valid fishing license

issued by the State of Oregon. Fishing shall only be from approved Joint Committee locations. Catch and release is encouraged.

(13) No use of fireworks, firearms or hunting devices of any kind, such as crossbows, spear guns, etc. are permitted on the lake or park, except that the Joint Committee may approve specific fireworks displays.

(14) All pets must be kept on leashes and no pets are allowed to roam unattended except at an established and approved dog park.

(15) Except as authorized by the Joint Committee, no person may place any form of aquatic species in the lake.

(16) No one shall be allowed to litter, contaminate, pollute, or introduce other foreign substances, including fertilizer and weed killer, into the lake.

(17) Private docks must be approved by the HOA at Crawford Crossing and conform to the dock design checklist, approved by the Joint Committee.

(t) It is unlawful to operate a powered public address system, amplified music or sound speaker system, or any other means of amplifying sound, in any park area without prior approval from the City. Portable sound devices such as phones are permitted; provided, they shall not be operated at a volume or in any manner which unreasonable disturbs the peace of others. *(Amended by Ord 14-102, 11/13/14). (Amended by Ord 19-10, 07/13/19) (Amended by Ord 21-103, 7/26/21)*

2.13.07 Park Exclusion.

(a) In addition to or in lieu of penalties prescribed in 2.13.08 or any of the laws of the State of Oregon, any person who within any park violates any provision of the Turner Revised Code or any non-

felony criminal laws of the State of Oregon or any regulation duly made and issued by the City Administrator may be excluded from any park for a period of 30 days and any person who violates any felony law of the State of Oregon may be excluded from any or all parks for a period of 90 days.

(b) Written notice shall be given to any person excluded from any park. Such notice shall specify the reason for the exclusion, and the dates and places of exclusion. The notice shall prominently display warning of the consequences of failure to comply, right of appeal and opportunity to apply for temporary waiver from the effects of the notice. Exclusion shall commence immediately upon delivery of the notice to the excluded person.

(c) A person receiving such notice may appeal to the City Council by delivering a written request to the office of the City Administrator for a hearing and stating the reasons why the exclusion notice should be rescinded or the duration of exclusion reduced or the places of exclusion altered. The appeal shall be filed within five (5) days of receipt of the exclusion notice unless time is extended by the City Administrator for good cause shown.

(d) A person filing an appeal of such notice may also apply to the City Administrator in writing for a temporary waiver from the effects of the notice for good cause pending decision on the appeal.

(e) The City Council shall render a decision on the appeal and any application for temporary waiver at the next regularly scheduled Council meeting.

(f) A person who has received written notice of exclusion and who violates the notice restrictions may be charged with

Trespass under applicable State law. In addition the person may be excluded from any or all parks for an additional period of not more than 90 days.

(g) Any person receiving a second written notice of exclusion within 6 months of receiving another such notice may be excluded from any or all parks for a period of not more than 90 days.

(h) The City Council, after finding just cause, may exclude a person from any park or parks for periods exceeding 90 days.

2.13.08 Enforcement. Any peace officer or any individual designated by the City Administrator is authorized to enforce this section. Nothing in this ordinance shall be interpreted to supersede or to replace any applicable state or federal statutes, including enforcement capacity. Any peace officer shall have the responsibility for the enforcement of this ordinance in addition to those duties discharged under ORS 830. *(Amended by Ord. 19-104; 07/13/19)*

2.13.09 Violation. Violations of other provisions of the Code or of State Law within a City Park is punishable as prescribed by the appropriate code or law. In addition to any other penalties accruing from violations of 2.13.06 (r), any person who fails to extinguish their smoking materials in a prohibited park area shall be subject to immediate removal from that area. Violation of any provision under 2.13.06 (s), is punishable by a fine not to exceed \$100. *(Amended by Ord. 14-102, 11/13/2014)*
(Amended by Ord. 19-104, 07/13/19)
(Amended by Ord. 21-100, 2/25/21)

COMMUNITY CENTER

2.14.00 - 2.14.08

(Repealed 10/1/2020 Ord. 20-103)

ORDINANCE REVIEW COMMITTEE

2.15.00-2.15.07

(Repealed 10/1/2020 Ord. 20-103)

COMMITTEE/COMMISSION
ATTENDANCE

2.16.00 Attendance Requirements.

Unless otherwise indicated, Ordinance 02-100 (5/25/02) enacts Section 2.16.01 through 2.16.04.

2.16.01 Policy. While it is understood that there are often valid reasons for absences from scheduled meetings of City committees and commissions, it is the policy of the City that citizens accepting appointment to City committees and commissions must agree to make every reasonable effort to attend all meetings of committees and commissions to which they have accepted appointment.

2.16.02 Definition. For the purpose of this section, scheduled meeting are defined as all regularly scheduled meetings and all special meetings for which members were provided at least 10 days notice of the meeting.

2.16.03 Attendance Records and Reporting: The City staff will maintain attendance records of all meetings of committees and commissions of the City and will notify the City Council when a member has been:

- (a) Absent from three or more consecutive scheduled meetings, or
- (b) Absent from four or more scheduled meetings within a consecutive 12 month period.

The City Administrator will place a hearing on the next available City Council agenda for the Council to take action on the notification. The member, whose absence has been reported, will be provided a copy of the notification and Council meeting agenda and will be offered an opportunity to be heard by the Council.

2.16.04 Council Action. The City Council, after a hearing in which the committee/commission member has the opportunity to explain the absences, will decide whether to excuse the absences and/or whether to remove the member from the committee/commission.

2.17.00 Urban Renewal Agency. Unless otherwise indicated, Ordinance 17-102 (5/25/17) enacts Section 2.17.01 through 2.17.09.

2.17.01 Declaration of Blight: Pursuant to ORS 457.035, the Turner City Council hereby finds and declares that blighted areas, as defined in ORS 457.010, exist within the city.

2.17.02 Need: The City Council declares and recognizes that there is a need for an urban renewal agency to function within the city of Turner.

2.17.03 Election of Method of Exercise of Urban Renewal Agency's Powers: The City Council declares the Urban Renewal Agency membership shall be:

- (a) the City Council;
- (b) one (1) full-time staff employee or current board member of the Turner Rural Fire Protection District (TRFPD), appointed by official vote of the TRFPD Board;
- (c) one (1) owner of a business which operates within the Urban

Renewal Agency Boundary, who shall be appointed by the members designated under (a) and (b)

2.17.04 Term of Office: Term of office for City Council members shall be the same as that of the City Council. For member under 2.17.03 (b) and (c), the term will be 4 years.

2.17.05 Vacancies and Removal: Appointments to fill vacancies shall be for the remainder of the unexpired term.

2.17.06 Presiding Members: At its first meeting of each calendar year, the Agency shall elect a chairperson and vice chairperson to serve one-year terms. The City Administrator or other staff member designated by the City Administrator shall keep accurate records of all Committee proceedings.

2.17.07 Meetings: A majority of the members of the Urban Renewal Agency shall constitute a quorum. The Agency shall meet at least once a month unless the Chairperson and City Administrator jointly agree that there is no business to be conducted. All meetings will be in accordance with the Oregon Public Meetings Act.

2.17.08 Duties and Responsibilities: The City Council further declares, pursuant to ORS 457.045(3), that all of the rights, powers, duties, privileges, and immunities granted to and vested in an urban renewal agency by the laws of the state of Oregon shall be exercised by and vested in the urban renewal agency of the city of Turner; provided, however, that any act of the governing body acting as the urban renewal agency shall be and shall be considered the act of the urban

renewal agency only and not of the city council.

2.17.09 Agency Title: The corporate name of the agency created by this chapter shall be, and said agency shall be known as, the Turner Urban Renewal Agency.

2.18.00 *Reserved for expansion.*

ELECTIONS

2.19.00 Elections. Unless otherwise indicated, Ordinance 98-113 enacts Section 2.19.01 through 2.19.10.

2.19.01 City Elections Officer. The City Administrator is designated the City Elections Officer and is responsible for insuring that rules, regulations and procedures regarding City elections required by Oregon Revised Statutes, the Secretary of State's Office, the Marion County Elections Office, the City Charter and this section are complied with.

2.19.02 Election to City Office. The City will not utilize the State Biennial Primary Election to elect candidates to any City elected position, except as may be required by Section 21 of the City Charter. All Candidates will compete for elected positions at the State Biennial General Election with the candidate or candidates receiving the most votes for a particular position being elected to that position. In the special case of any elected position being contested pursuant to Section 21 of the City Charter at the Biennial General Election, such position or positions will be decided in the following manner:

(a) The candidate or candidates receiving the most votes will be first

elected to any vacant position the term of which would expire on December 31st of the year of the election. These candidates will immediately take office and continue in office for the new term beginning on January 1st of the following year.

(b) After filling any vacant positions in (a) above, the remaining candidates with the most votes will be elected to any vacant positions the term of which would expire on December 31st of the year of the next Biennial General Election. These candidates will immediately take office and will serve only the remainder of the term of office of that position.

In the event that there are fewer candidates than there are positions available, vacancies that occur on January 1st of the next year will be filled using the process established for filling vacancies in Section 21 of the City Charter.

2.19.03 Filing for City Elective Office.

Candidates for City elective office must meet qualifications required by the City Charter and comply with all requirements prescribed in Oregon Revised Statutes and as outlined in the most current City Elections Manual published by Oregon Secretary of State Elections Division with the following exceptions or additional requirements:

(a) Candidates may file by declaration. A fee of \$25.00 must be paid to the City of Turner if filing by declaration.

(b) Candidates filing by petition are required to collect valid signatures as required by ORS 249.072.

(c) Candidates filing by petition are responsible for getting petition signatures verified by the Marion County Elections Office.

(d) Candidates filing by petition are not required to complete a second Form SEL 120, Filing of Candidacy for Nonpartisan Nomination, when they file their perfected petitions unless they wish to change any information placed on the form when they filed their prospective petition. When perfected petitions are presented to the City Elections Officer, the block for filing of candidacy by perfected petition will be marked and the date the perfected petition was filed and initials of both the Elections Officer and Candidate will be placed in the block for filing by perfected petition on the original Form SEL 120.

(e) All candidates are responsible for submitting candidate information for the voter's pamphlet directly to Marion County Elections Office and for paying any required fee.

2.19.04 Recall. Recall of elected City officials will be conducted in accordance with Oregon Revised Statutes as outlined in the most current Recall Manual published by the Oregon Secretary of State Elections Division.

2.19.05 Initiative and Referendum Measures Submitted by Petition.

For Initiative and Referendum measures submitted by petition, the City will follow the procedures and requirements established by the Oregon Constitution and Oregon Revised Statutes and as outlined in the most current City Elections Manual published by Oregon Secretary of State Elections Division with the following exceptions or additional requirements:

(a) The City Elections Officer will consult with the City Attorney to make the determination as to whether or not the proposed initiative meets the single subject requirement.

(b) If the Chief Petitioner requests in writing or a majority of the City Council request an Explanatory Statement for the Voters' Pamphlet, the Explanatory Statement will be written and approved by a committee consisting of the Mayor, one other member of the City Council selected by majority vote of the Council and the Chief Petitioner or a person designated in writing by the Chief Petitioner. The Explanatory Statement must be written, reviewed by the City Attorney, approved in writing by the majority of the committee and submitted to the City Elections Officer within 30 days of the committee being appointed.

2.19.06 Referendum Measures Submitted by the City Council.

The City Council may refer any matter before it, not specifically precluded by state law, to the voters upon a majority vote of all Council members. For any measure that is referred by the City Council, the following process applies:

(a) The City Attorney will prepare a Ballot Title not later than a date specified by the City Council.

(b) The City Administrator will prepare a draft Explanatory Statement not later than a date specified by the Council. The Council may appoint a person or persons other than the City Administrator to draft the Explanatory Statement.

(c) The Ballot Title and Explanatory Statement must be approved by a majority of the Council present at the meeting at which they are considered.

(d) Upon approval of the Ballot Title, the Elections Officer will publish notice of receipt of the Ballot Title as required by state law.

(e) If no petition is filed with the Circuit Court for a different ballot title, the Elections Officer shall submit the

approved Ballot Title and Explanatory Statement to the Marion County Elections Office to be placed on the ballot for the next available State election date, unless a different date has been specified by the Council.

2.19.07 Emergency Elections.

Emergency elections shall be in compliance with ORS 221.230. A decision to conduct an emergency election shall require a majority vote of all Council members.

2.19.08 Elections Financial Reporting.

Election financial reporting will be in accordance with state law. It is the responsibility of candidates, chief petitioners, campaign treasurers and/or committee chairs and treasurers to submit all required forms and reports prior to due dates established in the most current Secretary of State Elections Division Campaign Finance Manual. All submissions will be made to the City Elections Officer and the City Elections Officer will maintain all such forms and reports on file as required by state law.

2.19.09 Repealed (*Ord. 03-104, 12/11/03*)

2.19.10 Repealed (*Ord. 03-104, 12/11/03*)

MUNICIPAL COURT AND JUDGE.

2.20.00 Municipal Court. Unless otherwise indicated, Ordinance 98-110 enacts Section 2.20.01 through 2.20.08.

2.20.01 Municipal Court Established.

The City of Turner establishes a Municipal Court, the Office of Municipal Judge and the position of Court Clerk.

2.20.02 Municipal Judge.

(a) The City Council will appoint a person licensed to practice law in the State of Oregon by the Oregon Supreme Court to serve as the Municipal Judge.

(b) The Municipal Judge will be appointed for a two year term, commencing on January 1st of each odd numbered year and will serve at the pleasure of the City Council. The City Council may remove the Municipal Judge from office at any time.

(c) The City Council shall determine the compensation, if any, to be paid the Municipal Judge. Such compensation shall be negotiated and agreed upon prior to appointment and shall not be reduced during the term of office.

(d) The Municipal Judge, with consent of the City Council, may appoint a pro tem Municipal Judge. The person appointed as the pro tem Municipal Judge shall have the same qualifications as the Municipal Judge and will be compensated at the same rate and in the same manner as the Municipal Judge.

2.20.03 Court Clerk. The City Administrator will appoint a qualified City Staff member to serve as Court Clerk. While performing Court Clerk duties, the staff member so appointed will work under the direction of the Municipal Judge.

2.20.04 Time and Place. The Turner Municipal Court shall meet at the Turner City Hall at the time set by the Municipal Court Clerk with the concurrence of the Municipal Court Judge. (*Amend. Ord. 07-101 04/12/2007*)

2.20.05 Jurisdiction.

(a) The Municipal Court shall have jurisdiction over every offense that an

ordinance of the City makes punishable except as precluded by paragraphs c and d below.

(b) The Municipal Court shall have jurisdiction over every offense that is made punishable by the Oregon Vehicle Code except as precluded by paragraphs c and d below.

(c) The Municipal Court shall not have jurisdiction over any criminal matter of any kind.

(d) The Municipal Court shall not have jurisdiction over any matter which requires a jury trial or any matter where either party to the litigation could request a jury trial.

2.20.06 Constitutionality or Validity of Charter or Ordinance Provisions.

(a) In all cases involving the constitutionality of the charter provision or ordinance under which the violation was determined, such person shall have the right of appeal to the circuit court in the manner provided in ORS 221.350.

(b) Whenever the validity of a charter or ordinance provision becomes an issue in a trial for violation of the charter or ordinance provision, the Municipal Judge shall determine such issue of validity and make a decision and order thereon before making any decision as to the facts in the particular case.

2.20.07 Appeal. Whenever any person is found to be in violation in the Municipal Court of any charter or ordinance defined and made punishable by ordinance, such person shall have the same right of appeal to the Marion County Circuit Court as if from a finding of violation in Justice Court. The appeal shall be taken and perfected in the manner provided by law for taking appeals from Justice Court. The Municipal Court Clerk shall provide any

person wishing to appeal a decision of the Municipal Court instructions in writing regarding filing of an appeal.

CITY ATTORNEY

2.21.00 City Attorney. Unless otherwise indicated, Ordinance 98-111 enacts Section 2.21.01 through 2.21.03.

2.21.01 Appointment of City Attorney. The City Council will enter into a personal services agreement with a person licensed to practice law in the State of Oregon by the Oregon Supreme Court to serve as the City Attorney. Selection and approval of the personal services agreement will be in accordance with TRC, Section 2.10.

2.21.02 Responsibilities. Responsibilities of the City Attorney are as follows:

(a) Provide legal advice to the City Administrator, other City Staff and City Council members in their official capacities.

(b) Represent the City of Turner as City Attorney in all legal matters as directed by the City Administrator except as excluded in 2.21.03 b.

(c) Prosecute violations of the charter or ordinances of the City of Turner in Municipal Court, Circuit Court or the Justice Court in the name of the City. *(Amend. Ord. 04-101, 10/28/04)*

2.21.03 Supervision and Direction. The City Attorney shall be under the supervision of the City Administrator and take legal action only upon the direction of the City Administrator with the following exceptions:

(a) The City Attorney may provide legal advice directly to the City Staff and City Council members, but may take legal

action only with approval of the City Administrator

(b) If, in the opinion of the City Attorney, there is a legal issue between City and the City Administrator, the City Attorney will notify the Mayor and City Administrator in writing and effective the date of the such notification all supervision and direction of the City Attorney will transfer to the City Council or to a person designated by a majority of the City Council.

ADMINISTRATIVE SEARCH WARRANTS AND SEARCH PURSUANT TO WARRANT

2.22.00 Administrative Search Warrants and Search Pursuant to Warrant. Unless otherwise indicated, Ordinance 14-102 enacts Section 2.22.01 through Section 2.22.08.

2.22.01 Administrative Search Warrant Defined. An administrative search warrant is an order signed by the municipal judge or a municipal judge pro tempore, or by a circuit court judge, directed to a city official charged with the responsibility of enforcing the provisions of the Turner Revised Code (TRC) authorizing an inspection required or authorized by, or necessary to enforce, any provision of the TRC.

2.22.02 Grounds for Issuance of Administrative Search Warrant. An administrative search warrant shall be issued only upon a showing of probable cause, which shall be based either on specific evidence that a violation of the TRC has occurred or is occurring, or on a showing that reasonable legislative and administrative standards for conducting an inspection are satisfied with respect to

a particular property or properties. The administrative search warrant shall be supported by an affidavit particularly describing the premises to be inspected and the purpose for which the inspection is made, and shall contain a statement that consent to inspect has been sought and refused or that other facts or circumstances set forth in the affidavit reasonably justify the inability to obtain such consent.

2.22.03 Issuance of Administrative Search Warrant.

- (a) Before issuing an administrative search warrant, the judge may examine the applicant and any other witnesses under oath. If the judge is satisfied that probable cause for the inspection exists, the judge shall issue the administrative search warrant, particularly describing the premises to be inspected and designating the purpose of, and limitations on, the inspection.
- (b) The official executing or attempting to execute an administrative search warrant shall identify himself or herself and his or her authority, and shall read and show the original copy of such warrant at the time and place of execution to the owner or occupant of the premises described in the administrative search warrant.

2.22.04 Limitations on Administrative Search Warrants.

- (a) An administrative search warrant shall be effective for the time specified therein, but in no event for a period of more than 14 days, unless extended or renewed by the judge for good cause shown.
- (b) An inspection pursuant to an administrative search warrant shall be made between the hours of 8:00 a.m. and 6:00 p.m. and shall be made in the

presence of either the owner of the premises or of a lawful occupant thereof over the age of 18 years, unless the judge has specially determined upon a showing that it cannot be effectively executed between those hours and the warrant specifies otherwise.

(c) An inspection pursuant to an administrative search warrant shall not be by forcible entry, except that the judge may, by an endorsement on the face of the warrant, expressly authorize execution by forcible entry where the affidavit, or a supplemental affidavit supplied after the warrant has been issued, contains information sufficient to satisfy the judge that reasonable grounds to believe one or more of the following exists:

- (1) A probable violation of any provision of the TRC that poses an imminent threat to public health, safety, or welfare; or
- (2) Where prior attempts to serve the warrant have met with refusal by the owner or occupant of the premises to be inspected; or
- (3) Where reasonable attempts have been made to secure the cooperation of the owner of unoccupied premises that are to be inspected, and entry cannot occur without the owner's cooperation or by force, and the owner has refused to cooperate.

2.22.05 Notice of Inspection by Forcible Entry.

(a) No forcible entry shall be made pursuant to an administrative search warrant unless the owner or occupant of the premises to be inspected has been given at least 24 hours prior notice. Such notice shall be given in writing by personal delivery to the owner or occupant, except as provided in subsection (c) of this section. Notice in

person to any person over the age of 18 years who is an occupant of the premises described in the administrative search warrant shall be sufficient notice to all occupants. Notice in person to the manager, agent, or other person in charge of any premises occupied by a business or multi-family dwelling unit shall be sufficient notice to the owner.

(b) The notice required in subsection (a) of this section shall include a copy of the administrative search warrant, properly endorsed for execution by forcible entry, certified to be a true copy of the original administrative search warrant by the judge. Such notice shall specify the name of the city official who is to conduct the inspection, and shall specify the date and time of the intended inspection.

(c) Where at least three diligent attempts, not less than two hours apart, have been made within a 24-hour period to give notice to the owner or occupant, and such notice cannot be given, notice may be given by posting the same in some prominent place upon the exterior of the place described in the administrative search warrant, and the administrative search warrant may be executed not less than 24 hours thereafter. Notice to the owner shall be made to the address of the owner as set forth in the tax records of the appropriate county, or to the owner's last known address, if different.

(d) This section shall not apply, and no notice need be given, in the case of administrative search warrants endorsed for execution by forcible entry upon the grounds specified in TRC 2.22.04(c)(1).

2.22.06 Execution of Administrative Search Warrant by Forcible Entry.

(a) In execution of a properly endorsed administrative search warrant by forcible

entry, any city official acting under the administrative search warrant shall be accompanied by a police officer, who shall execute the administrative search warrant by gaining entry, and who shall stand by to prevent any interference during the inspection.

(b) In the execution of an administrative search warrant by forcible entry, the police officer has the same power and authority to use all necessary and proper means to overcome any forcible resistance or to call any other person to the officer's aid in the execution or service of a warrant of arrest.

2.22.07 Return of Administrative Search Warrant.

An administrative search warrant must be executed and returned to the judge within ten days from the date issued, unless the judge, before the expiration of such time, extends the time for five days by endorsement thereon. The return shall certify the day and time of execution of the administrative search warrant, the names of all city officials, including police officers, assisting in the inspection, the time and manner of giving any notice required by TRC 4.210, and whether or not forcible entry was necessary. After expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

2.22.08 Interfering with Execution of Administrative Search Warrant.

(a) It shall be unlawful for any person to in any way hinder, delay, impede, or otherwise interfere with any city official or a police officer acting in the official's or officer's official capacity in the course of executing or attempting to execute an administrative search warrant which is facially valid, or of making or attempting to make any inspection

authorized by the administrative search warrant.

(b) Violation of this section is a misdemeanor.

2.22.09 Emergency Inspection without Administrative Search Warrant.

Nothing in TRC 2.22.01 through 2.22.08 shall prohibit, or be construed as prohibiting, an inspection without an administrative search warrant in an emergency where immediate access is necessary to protect public health, safety, or welfare.

(Enacted by Ord 14-104; 12/11/2014)