

**TITLE ONE  
GENERAL PROVISIONS**

**1.01.00 Code Established.** This code is established by City of Turner Ordinance 98-103 and is hereafter referred to and cited as the Turner Revised Code (TRC) or the Code. Unless otherwise indicated, Ordinance 98-103 enacts Sections 1.01.00 through 1.46.00.

**1.02.00 Definitions and Rules of Construction.** The following definitions and rules of construction apply to the code, unless inconsistent with the intent of the council or the context clearly requires otherwise.

Administrator. The City Administrator or the Administrator's designee.

City. Turner, Oregon

Code. The code of Turner, Oregon.

Computation of time. The time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon a legal holiday as defined by state statute, in which case the last day is also excluded.

Council. Council of the City of Turner.

County. Marion County, Oregon.

Day. The period of time between any midnight and the midnight following.

Days. A calendar day, except when "working days" is used.

Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Department, board, commission, office, officer or employee. A department, board, commission, office, officer or employee of the City.

Gender. The masculine gender includes the feminine and neuter.

Minor. A person under the age of 18 years, unless otherwise stated.

Month. A calendar month, except where otherwise provided.

Number. The singular number includes the plural, and the plural the singular.

Official time. Whenever certain hours are named, they mean the standard of time as set out in ORS 187.110.

ORS. Oregon Revised Statutes.

Owner. A fee title owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of the building or land, or venter in possession under a land sale contract.

Peace officer. A member of the Oregon State Police, a sheriff, constable, marshal, or municipal police officer or other municipal officer or employee charged with the responsibility of enforcing municipal ordinances.

Person. An individual, corporation, association, firm, partnership or joint stock company, joint venture, club, company, business trust, governmental subdivision including the State of Oregon and the U.S. Government, or public or private

organization of any kind, or the manager, lessee, agent, servant, officer, or employee of any of them.

Personal property. Every species of property, except real property, as defined in this section.

Process. A writ or summons issued in the course of judicial proceedings of a civil nature.

Property. Both real and personal property.

Real property. Lands, tenements and fixtures to land.

Recorder. The City Administrator or the City Administrator's designee.

Shall, must and may. "Shall" and "must" are mandatory, and "may" is permissive.

Singular - Plural. The singular number may include the plural and the plural number, the singular.

State. The State of Oregon.

Tenant or occupant. A person holding a written or an oral lease of, or who occupies, with or without lease or right to occupy property, all or a part of a building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

To. "To" means "to and including" when used in reference to a series of sections of this code or when reference is made to ORS.

Week. Seven consecutive days.

Working days. The days the City is officially open for business: Monday through Friday, excluding official holidays.

Writing. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. When a notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Year. A calendar year, except where otherwise provided.

**1.03.00 Continuation of Existing Ordinances.** The provisions appearing in this code, so far as they are the same as those of ordinances existing at the time of the effective date of this code, shall be considered as continuations of those provisions and not as new enactments.

**1.04.00 Exclusions.** Notwithstanding inclusion within this code of the general subject matter, in whole or in part, this code does not repeal or amend: any special ordinance affecting the general public on a temporary basis; any ordinance relating to or resulting from annexation, naming of streets and public places or property acquisition or disposal of property, vacation of streets, public places or plats; any ordinance relating to waiver of fees or code provisions, bids or contracts; any ordinance fixing or changing a zone classification of property; any ordinance relating to budget; any ordinance granting a permit; any franchise ordinance; any ordinance creating local improvement districts and spreading assessments for the improvement; any ordinance calling for an election; and any ordinance to create a special fund..

**1.05.00 Effect of Repeal or Amendment.** The repeal or amendment of an ordinance or

code section shall not revive an ordinance or code section in force before or at the time the repealed provision took effect. The repeal or amendment of an ordinance or code section shall not affect a punishment or penalty, incurred before the repeal or amendment took effect, nor a suit, prosecution or proceeding pending at the time of the repeal or amendment, for an offense committed under the provision repealed or amended.

**1.06.00 Applicability of State and Federal Statutes.** All Oregon Revised Statutes and Administrative Rules and Federal Law apply to the City of Turner. Where this code is found in conflict with State statute and Federal law, such state and federal laws take precedence.

**1.07.00 Severability.** It is hereby declared to be the intention of the Council that the sections, subsections, paragraphs, sentences, clauses and phrases of this code are severable; and if any phrase, clause, sentence, paragraph, subsection or section of this code is declared by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect the validity of the remaining portions of this code.

**1.08.00 Amendment and Repeal of Code Sections.** This code is the general and permanent law of the City. A general ordinance shall specifically amend or repeal a particular section of this code, and a general ordinance creating a new code section shall integrate the new section into the numbering system and organization of this code. (*Amend. Ord. 04-101, 10/28/04*)

**1.09.00-1.19.00** *Reserved for expansion*

**1.20.00 Editing of Code.** In preparing the codified editions of ordinances for publication and distribution, the person

responsible of editing shall not alter the sense, meaning, effect or substance of any ordinance, but may renumber sections and parts of sections of ordinances, change the wording of headings, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

**1.21.00 Revision.** This code may be revised at any time it is deemed appropriate by the person responsible for editing. Ordinances adopted between revisions will be maintained on file with the master code until included in the next revision. (*Amend. Ord. 04-101, 10/28/04*)

**1.22.00 Distribution.** An official distribution list shall be maintained of all persons holding published copies of the TRC. Each revised code will be published and distributed to persons on the official distribution list. Additional copies will be made available for purchase at a price established by resolution of the City Council. (*Amend. Ord. 04-101, 10/28/04*)

**1.23.00 Numbering.** Each section and subsection will be numbered using a five-digit number. The first number, followed by a decimal point will indicate the title. The second and third number, followed by a decimal point will indicate a section and the fourth and fifth number will indicate a subsection. Each title, section and subsection will be numbered sequentially, starting with 1 for titles and 01 for sections or subsections. Sections or subsection numbers may be skipped if being reserved for future expansion, if so noted in the code.

**1.24.00 Reference Required.** The ordinances enacting or amending sections or subsections of this code must be referenced, by number, in parenthesis at the end of the appropriate section or subsection. If a section or subsection is repealed by ordinance and not replaced by an ordinance enacting the same or a similar code subject, reference to the repealing ordinance will be placed in that section or subsection. The repealed section text shall be removed. (*Amend. Ord. 04-101, 10/28/04*)

**1.25.00 Titles.** The TRC shall contain the following titles:

**1.25.01 Title One, General Provisions.** Title One shall contain requirements for establishing and administering this code.

**1.25.02 Title Two, Government and Administration.** Title Two shall contain requirements dealing governing and general administration including, but not limited to, council rules, standing committees/commissions, personal management, department management, financial management, municipal court, elections, and records maintenance.

**1.25.03 Title Three, Public Improvements.** Title Three shall contain requirements dealing with non-utility public improvements and standards for such improvements including, but not limited to, streets, sidewalks, parks, public buildings and facilities. It also contains approval and financing requirements for the same.

**1.25.04 Title Four, Utilities.** Title Four shall contain requirements dealing with public and private utilities including, but not limited to, water service, sanitary sewer, storm sewer, electric service, gas service, television cable service, telephone and telecommunications service and solid waste disposal service. It

shall include rules, regulations, standards, financing and rates determination for the same.

**1.25.05 Title Five, Public Protection.** Title Five shall contain rules and regulations relating to, maintenance of public health and civil order, protection of persons and property, and control of nuisances. It shall also establish enforcement procedures and prescribe penalties for violations.

**1.25.06 Title Six, Vehicles and Traffic.** Title Six shall contain regulations and requirements regarding all types of motorized vehicles, parking and traffic control. It shall establish enforcement procedures and prescribe penalties.

**1.25.07 Title Seven, Business.** Title Seven shall contain requirements for regulation of business including, but not limited to, restrictions, regulatory requirements, licensing and permitting of general or specific business activities.

**1.25.08 Title Eight, Building.** Title Eight shall contain building construction and specialty code standards. It shall establish building permit processes and requirements and any other regulations and restrictions pertaining to structures. Certain general development standards for building construction are also included in Title Nine.

**1.25.09 Title Nine, Land Use and Development.** Title Nine shall contain provisions for land use and development not included in the Turner Land Use Development Code. The Land Use Development Code and its amendments will be incorporated into Title Nine by reference. The City of Turner Comprehensive Plan and its amendments will also be incorporated into Title Nine by reference.

**1.26.00 Section Titles Not Part of Law.** Section titles in this code are not part of the substance of the code.

**1.27.00 Tables.** Tables, graphs, charts or other visual aids that are adopted, but do not fit the format of this code will be referenced in the appropriate location in the code, numbered sequentially and placed at the end of each title section for quick reference.

**1.28.00 Appendices.** The following will be attached to the code as appendices: Code Index, Ordinance Disposition List, Special Ordinance List, Land Use Development Code and the City Charter.

**1.29.00** *Reserved for expansion*

**1.30.00 Fees & Charges.**

(a) Authority. The City Council shall have the authority to review and adopt by resolution rates for fees and charges reasonably related to the City's cost of service. These charges shall be based upon actual costs of providing such services including, but not limited to labor, materials and administrative overhead.

(b) Fees and charges set by resolution. Fees and charges deemed appropriate shall be set by resolution of the City Council and further changes shall be by resolution of the City Council.

(c) City Recorder. The City Recorder is authorized and directed to charge fees as provided in this article for the furnishing of copies of official documents of the city. The fee shall be set by resolution of the Council and shall be based on the approximate actual cost of making, storing and furnishing such copies.

(d) Other Services. Services not specifically addressed in the city's ordinances and resolutions may be provided upon the City Administrator's approval. The charge for such service shall be based upon direct cost

of labor and materials plus an appropriate, but not less than twenty percent, city overhead charge. The proceeds of such fees shall be placed in the general fund of the city.

(e) Fee Adjustments. Adjustments in the fees and charges shall be reviewed by the Council at least annually, on or before July 1<sup>st</sup> of any year. (*Ord. 06-102, 07/13/06*)

**1.31.00-1.38.00** *Reserved for expansion*

**1.39.00 Denial of City Service.** The City may deny services to real properties which have outstanding liens recorded against them in favor of the City. Services which may be denied include, but are not limited to, water utility services, the processing of building permit applications or the issuance of building permits for the encumbered property. (*Ord. 12-103, 12/30/2012*)

**1.40.00 Interest on Money Owed City.** Interest on money owed to the city shall be at the rate of 9 percent annual interest rate unless a greater or lesser rate is prescribed elsewhere in this code.

**1.41.00 Offenses Outside City Limits.** When permitted by Oregon law, an act made unlawful by this code shall constitute an offense when committed on property owned or leased by the city, even though outside the corporate limits of the city.

**1.42.00 Separate Violations.** When in this code an act is prohibited or is made or declared to be unlawful or an offense or the doing of an act is required or the failure to do an act is declared to be unlawful or an offense, each day a violation continues constitutes a separate offense.

**1.43.00 Citation for Infractions.**

(a) The City Administrator may authorize a City employee to issue and serve a citation

to appear in municipal court on a person who the City employee has probable cause to believe has committed an offense defined in this code as a civil infraction.

(b) The Oregon Traffic Citation and Complaint form will be used and as a minimum, the following information will be completed on the form:

(1) The name of the person cited.

(2) A brief description of the civil infraction with which the person is charged; the date, time, and place at which the civil infraction occurred; the date on which the citation was issued; and the name of the person who issued the citation.

(3) The time, date, and place at which the person cited is to appear in municipal court.

(c) If a citation is issued, the person issuing the citation shall serve one copy to the person cited, and shall, as soon as practicable, file a duplicate copy with the municipal court, together with proof of service.

#### **1.44.00 Right of Entry.**

(a) Except as otherwise provided in this code, when necessary to make an inspection to enforce an ordinance or resolution, or when there is reasonable cause to believe an ordinance or resolution violation exists in a building or upon premises within the jurisdiction of the city, an authorized official of the city may, upon presentation of proper credentials, enter the building or premises at all reasonable times to inspect or to perform any duty imposed on the official by ordinance.

(b) Except in emergency situations or when consent of the owner and/or occupant has been otherwise obtained, the official shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours' written notice of the official's intention to inspect.

(c) The notice to the owner and/or occupant shall state that the property owner has the right to refuse entry and that if entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate.

(d) If the owner and/or occupant refuses entry after a request has been made, the official may seek assistance from any court of competent jurisdiction in obtaining the entry.

**1.45.00 General Penalty.** A violation of a provision of this code is punishable by a fine not to exceed \$1,000 unless a lesser amount is prescribed elsewhere in this code. A violation of a provision that is identical to a state statute is punishable by a fine or imprisonment not to exceed the penalty prescribed by the state law if cited under the applicable state statute.

**1.46.00 Payment of Penalties.** Fines levied by the Municipal Court are due and payable at the time levied. The Municipal Court, at the discretion of the Municipal Judge, may extend this time or allow for installment payments. In the event of failure to pay fines levied by the Municipal Court, the Municipal Judge may take any and all actions allowed by State statute to collect such fines.