

Title 1 GENERAL PROVISIONS

Chapter 1.01 - CODE ADOPTION

Chapter 1.04 - GENERAL PROVISIONS

Chapter 1.08 - RIGHT OF ENTRY

Chapter 1.12 - GENERAL PENALTY

Chapter 1.16 - OFFICIAL NEWSPAPER

Chapter 1.20 - MAYOR/COUNCIL NOMINATIONS

Chapter 1.24 - ELECTIONS

Chapter 1.01 CODE ADOPTION

Sections:

[1.01.010 Adoption.](#)

[1.01.020 Title—Citation—Reference.](#)

[1.01.030 Reference applies to all amendments.](#)

[1.01.040 Title, chapter and section headings.](#)

[1.01.050 Reference to specific ordinances.](#)

[1.01.060 Ordinances passed prior to adoption of the code.](#)

[1.01.070 Effect of code on past actions and obligations.](#)

[1.01.080 Constitutionality.](#)

[1.01.090 References to prior code.](#)

1.01.010 Adoption.

There is hereby adopted the "Estacada Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord. 2001-1 § 1)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Estacada Municipal Code" and it shall be sufficient to refer to said code as the "Estacada Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Estacada Municipal Code." References may be made to the titles, chapters, sections and

Title 1 GENERAL PROVISIONS

subsections of the "Estacada Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

(Ord. 2001-1 § 2)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Estacada Municipal Code" or to any portion thereof, or to any ordinance of the City of Estacada, Oregon, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 2001-1 § 3)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. 2001-1 § 4)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 2001-1 § 5)

1.01.060 Ordinances passed prior to adoption of the code.

- A. The last ordinance included in this code was Ordinance Series of 2000, No. 11 passed April 6, 2000 with the exception of Ordinance Series of 1999, No. 5.
- B. The following ordinances, passed subsequent to Ordinance Series of 2000, No. 11, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance Series of 1999, No. 5, Ordinance Series of 2000, No. 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33 and 34.

(Ord. 2001-1 § 6)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

(Ord. 2001-1 § 7)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 2001-1 § 8)

1.01.090 References to prior code.

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 2001-1 § 9)

Chapter 1.04 GENERAL PROVISIONS

Sections:

[1.04.010 Definitions.](#)

[1.04.020 Interpretation of language.](#)

[1.04.030 Severability.](#)

[1.04.040 Repeal shall not revive any ordinances.](#)

[1.04.050 Grammatical interpretation.](#)

[1.04.060 Acts by agents.](#)

[1.04.070 Prohibited acts include causing and permitting.](#)

[1.04.080 Computation of time.](#)

[1.04.090 Construction.](#)

[1.04.100 Section titles not part of law.](#)

[1.04.110 Amendment and repeal of code sections.](#)

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Estacada, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"City" means the city of Estacada, of the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision or intergovernmental agreement.

"Council" means the city council of the city of Estacada. "All its members" or "all council members" means the total number of council members holding office.

"County" means the county of Clackamas.

Title 1 GENERAL PROVISIONS

"Law" denotes applicable federal law, the Constitution and statutes of the state of Oregon, the Charter and ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" mean next before and next after, respectively.

"Property" means and includes real and personal property.

"Real property" means and includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

"State" means the state of Oregon.

"Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

"Tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole part of such buildings or land, whether alone or with others.

"Written" means and includes, but is not limited to, handwritten, printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

"Year" means a calendar year.

(Ord. 2000-1 § 1: prior code § 1.000)

1.04.020 Interpretation of language.

All word and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Ord. 2000-1 § 2: prior code § 1.020)

1.04.030 Severability.

The sections, subsections, and subparagraphs of this code are declared severable. The invalidity of any section, subsection or subparagraph of this code shall not affect the validity of the remainder of this code.

(Prior code § 1.025)

1.04.040 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance that has been repealed thereby.

(Ord. 2000-1 § 8: prior code § 1.035)

1.04.050 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(Ord. 2000-1 § 3: prior code § 1.040)

1.04.060 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

(Ord. 2000-1 § 4: prior code § 1.041)

1.04.070 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Ord. 2000-1 § 5: prior code § 1.042)

1.04.080 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

(Ord. 2000-1 § 6: prior code § 1.045)

1.04.090 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice.

(Ord. 2000-1 § 7: prior code § 1.050)

1.04.100 Section titles not part of law.

Section titles in this code are not part of the substance of the code.

(Prior code § 1.060)

1.04.110 Amendment and repeal of code sections.

This code is the general and permanent law of the city. The council may enact three types of general ordinances to affect this code. Such ordinances may: (1) amend the code to change existing provisions; (2) may add new provisions to the code; or (3) may repeal existing code provisions. 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.

(Prior code § 1.065)

Chapter 1.08 RIGHT OF ENTRY

[1.08.010 Right of entry for inspection.](#)

1.08.010 Right of entry for inspection.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hours' written notice of the authorized official's intention to inspect. If entry is refused, the official shall have recourse to any remedies provided by law to secure entry.

(Ord. 2000-16 § 2: prior code § 1.110)

(Ord. No. 2015-010, § 1, 12-14-2015)

Chapter 1.12 GENERAL PENALTY

[1.12.010 Penalty provisions.](#)

1.12.010 Penalty provisions.

- A. Unless otherwise specifically provided, any person violating any provision or failing to comply with any of the ordinances of the city is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed six months, or by both such fine and imprisonment. However, no greater penalty shall be imposed than the penalty prescribed by the Oregon statute for the same act or omission.
- B. In addition to the penalties hereinabove provided any condition caused or permitted to exist in violation of any provision of this code is a public nuisance and may be summarily abated by the city as authorized by this code. In addition, property may be forfeited and city license may be suspended or revoked as provided in this code.
- C. Each day's violation of the provision of this code shall be considered a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and may be punished accordingly.

(Ord. 2007-3 § 1; Ord. 2000-15 § 1: prior code § 1.010)

(Ord. No. 2015-010, § 2, 12-14-2015)

Chapter 1.16 OFFICIAL NEWSPAPER

[1.16.010 Designated.](#)

1.16.010 Designated.

The Estacada News is designated as the official newspaper of the city for the purpose of publishing legal notices as prescribed by the Charter and ordinances of the city. The Oregonian may be used for the publication of notices if time restraints prohibit using the Estacada News.

(Ord. No. 2015-010, § 3, 12-14-2015)

Chapter 1.20 MAYOR/COUNCIL NOMINATIONS

[1.20.010 Eligibility.](#)

[1.20.020 Nomination petition.](#)

[1.20.030 Filing.](#)

[1.20.040 Deficient petitions.](#)

[1.20.050 Withdrawal of candidacy.](#)

[1.20.060 Certificate of nomination.](#)

[1.20.070 Applicability of state law.](#)

1.20.010 Eligibility.

A qualified elector who has resided in the city during the twelve (12) months immediately preceding the election may be a candidate for an elective city position.

(Ord. No. 2015-010, § 4, 12-14-2015)

1.20.020 Nomination petition.

- A. An eligible elector may become a candidate for an elective city position by filing a nomination petition in a form prescribed by the Secretary of State and available in the office of the city recorder.
- B. In order to be filed, a nomination petition shall contain signatures of not fewer than twenty (20) city qualified electors as follows:
 - 1. No elector may sign more than three petitions. If more than three are signed, the signature shall be valid only on the first three valid petitions filed.
 - 2. The signatures need to all be attached to one paper, but each separate paper of the petition shall be attached to an affidavit of the circulator, indicating the number of signers and stating that each signature on it is the genuine signature of the person whose name it purports to be.
 - 3. Each signature shall have next to it the signer's place of residence, identified by its street and number or other description.
 - 4. The signatures contained in the nomination petition shall be certified for genuineness by a county elections official.

(Ord. No. 2015-010, § 4, 12-14-2015)

1.20.030 Filing.

A nomination petition shall be filed with the city elections official. Immediately upon filing, a nominating petition, withdrawal or other document required to be filed shall be dated. A nomination petition shall be filed not earlier than ninety-five (95) or later than seventy-five (75) days before the election.

(Ord. No. 2015-010, § 4, 12-14-2015)

1.20.040 Deficient petitions.

If a nomination petition is not signed by the required number of qualified electors the city elections official shall notify the candidate within five days after the filing. The city elections official shall return it immediately to the candidate, certifying in writing how the petition is deficient. The deficient petition may be amended and filed again as a new petition within the regular time for filing petitions.

(Ord. No. 2015-010, § 4, 12-14-2015)

1.20.050 Withdrawal of candidacy.

A candidate who has filed a nomination petition or declaration of candidacy may withdraw not later than the 67th day before the date of the election by filing a statement of withdrawal with the city elections official with whom the petition was filed. The statement shall be made under oath and state the reasons for the withdrawal.

(Ord. No. 2015-010, § 4, 12-14-2015)

1.20.060 Certificate of nomination.

The city elections official shall certify the nominations to the county's director of elections in accordance with the time requirements of state law, stating the offices and the terms of office for which the candidates are nominated.

(Ord. No. 2015-010, § 4, 12-14-2015)

1.20.070 Applicability of state law.

When the City Charter and this code do not provide a method of procedure regarding elections, state law shall apply.

(Ord. No. 2015-010, § 4, 12-14-2015)

Chapter 1.24 ELECTIONS

[1.24.010 Filing deadline for initiative petitions.](#)

[1.24.020 Chief petitioners for initiative, referendum, or recall petition to be electors of the city of Estacada.](#)

[1.24.030 Applicability of state law.](#)

1.24.010 Filing deadline for initiative petitions.

Not later than the 90th day after an initiative is approved for circulation, an initiative petition relating to a city measure or charter amendment shall be deposited with the city recorder for signature verification. All other procedures for an initiative shall follow the requirements set forth in the state of Oregon election laws unless otherwise stated in this code.

(Ord. No. 2015-010, § 5, 12-14-2015)

1.24.020 Chief petitioners for initiative, referendum, or recall petition to be electors of the city of Estacada.

No petition for initiative, referendum, or recall filed with the city shall be valid unless all chief petitioners are electors of the city at the time of filing and remain electors of the city through the entire initiative, referendum, or recall process, including the election.

(Ord. No. 2015-010, § 5, 12-14-2015)

1.24.030 Applicability of state law.

When the City Charter and this code do not provide a method of procedure regarding elections, state law shall apply.

(Ord. No. 2015-010, § 5, 12-14-2015)