

**CITY OF BAY CITY
ORDINANCE 718**

**AN ORDINANCE PROVIDING STANDARDS AND RESTRICTIONS FOR THE
OPERATION OF DRONES, AND MAKING CERTAIN CLARIFICATIONS FOR
JURISDICTIONAL OFFICES**

WHEREAS, the Federal Aviation Administration (FAA) regulates airspace and overflight by Unmanned Aircraft Systems (UASs), commonly referred to as "drones," through the Code of Federal Regulations (CFR), Title 14, Section 107, which applies to both hobbyist pilots and licensed operators; and

WHEREAS, the increased presence of Unmanned Aircraft Systems, aka "drones," has led to the desire to establish specific restrictions for their usage in residential areas within city limits; and

WHEREAS, the City Council wishes to codify certain standards and restrictions, which are not in conflict with federal or state regulations; and

WHEREAS, a periodic review of the Bay City Municipal Code revealed that some rewording was necessary to provide clarity in law and code enforcement actions; and

WHEREAS, the City Council believes it is in the interest of the public to codify such changes in the Bay City Municipal Code.

NOW THEREFORE, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

SECTION 1: **ADOPTION** "5.01 Definitions" of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.01 Definitions (Non-existent)

AFTER ADOPTION

5.01 Definitions(*Added*)

"Chronic Nuisance." Any condition(s) on any real property which is a Nuisance under this Article and has resulted in three violation letters issued by the City within any consecutive 24-month period.

"Civil Twilight." Civil twilight is a period of time that begins thirty (30) minutes before official

sunrise and ends thirty (30) minutes after official sunset.

"Code Enforcement Officer." The City Manager, Public Works Director, Fire Chief, City Planner, Building Inspector, and all other persons designated by the City Manager to serve as Code Enforcement Officer.

"Council." The City Council of the City of Bay City, Oregon.

"Dangerous Animal." An animal reasonably considered as wild or exotic which has the ability to harm or to frighten people. Dangerous animals include, but are not necessarily limited to, the following:

- A. Venomous snakes capable of inflicting serious physical harm or death to human beings;
- B. Non-human primates and prosimians;
- C. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids;
- D. Crocodiles, alligators, caiman and gavials;
- E. Non-domesticated species including; but not limited to: lions, tigers, lynx, leopards, cougars and bobcats;
- F. Raccoons, wolverines and weasels;
- G. Any animal reasonably considered a pest, dangerous, or which has threatened or attacked persons or domesticated pets within the City of Bay City.
- H. Any animal that creates conditions which endanger the public health, safety, or welfare of others.

"Drone." see "Unmanned Aircraft System."

"FAA." The Federal Aviation Administration.

"Inoperable or Abandoned Vehicle." Any vehicle which has no current valid state vehicle license, or which cannot be moved without being repaired or dismantled, or which is no longer usable for the purpose for which it was intended, and which has been in that condition for at least 15 days.

"Junk." The term "junk" is personal property, waste, or material that in the sole discretion of the Enforcement Officer should be discarded and includes, but is not limited to:

- A. Refuse, garbage, glass, scrap metal, paper products, scrap lumber, concrete or asphalt chunks, cans and tires.
- B. Abandoned or unused furniture, machinery, toys, stoves, sinks, toilets, cabinets or other fixtures, appliances or equipment or any parts thereof.
- C. Combustible material likely to become easily ignited or debris resulting from any fire or any material which constitutes a fire hazard, as defined in the Uniform Fire Code.
- D. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers and boats or any parts thereof.

"Law Enforcement/Code Enforcement Officer." Any deputy sheriff, contract police officer, dog control officer, state police officer or person authorized by the City as a Code Enforcement Officer.

"Minor." A person under the age of eighteen (18) years, unless otherwise provided.

"Municipal Court." The Tillamook County Justice Court, which provides municipal court services to the City pursuant to an agreement under ORS 51.037.

"Municipal Judge." The Tillamook County Justice of the Peace or other judge providing court services to the City.

"Noxious Vegetation." Noxious vegetation is any vegetation that is, or is likely to become:

- A. A health hazard;
- B. A fire hazard;
- C. A traffic hazard because it impairs the view of the public thoroughfare, or otherwise makes the thoroughfare hazardous;
- D. Poison Oak;
- E. Poison Ivy;
- F. Blackberry bushes that extend into a public way or pathway frequented by children, cross a property line, or are used for habitation by trespassers;
- G. Grass or weeds more than 12 inches high;
- H. Scotch Broom, English Ivy, Hogwood, Knotweed, and Purple Loosestrife; and
- I. All other vegetation included in the State Department of Agriculture "Oregon Department of Agriculture Noxious Weed Control Policy and Classification System".

"Nuisance." A thing, condition, substance or activity which is injuring or endangering the public peace, health, safety or welfare; including, but not limited to, the things, conditions, substances and activities specified in this Article.

"Person." A natural person, firm, partnership, association or corporation, whether he, she or it is acting for himself/herself or itself, or as the clerk, servant, employee or agent of another.

"Public Property and Places." A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public, including all of the street rights-of-way, public parks and grounds, school, business and non-profit property normally open to the public.

"Responsible Party." The Responsible Party for any offense or abating a nuisance may include:

- A. The owner of the property;
- B. Any agent of the owner, lessee, occupant, contract purchaser, tenant, or other person having possession or control of the property; and
- C. The person who caused a nuisance to come into or to continue in existence.

"Right-of-way." All property dedicated to the public for transportation and public utilities and administered by the city, including: City streets, roads, highways, alleys, sidewalks, public easements, and other similar public ways generally open to vehicular or non-vehicular transit, including the subsurface under and air space over these ways; but does not include parks, parkland, bridges unless pre-approved, or other City property not generally open to public transit or to vehicular transit.

"Unmanned Aircraft System." Also known as a "Drone." An aircraft without a human pilot on board, that is controlled from an operator on the ground, and operates without the possibility of direct human intervention from within, or on, the aircraft.

"Vehicle." Includes all motorized vehicles, including, but not limited to: automobiles, camper trailers, recreational vehicles, motorcycles and ATVs.

SECTION 2: AMENDMENT “5.02.010 Definitions: Dog Control” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.02.010 Definitions: Dog Control

"At Large." All dogs found upon any of the public streets, highways or other public places in the City of Bay City, Oregon, shall be deemed to be running loose or be at large within the meaning of this Article; except such dogs as may be under control by means of a chain or leash or upon voice or whistle control, or in or upon any vehicle, shall be deemed to be under the personal control of the owner or custodian thereof. Any dog shall be considered "running at large" when it is off or outside of the premises belonging to the owner of the dog and not under the control of its owner.

"Good Samaritan." To encourage all citizens to aid and protect animals in distress, the taking in and caring for a dog in distress will not confer ownership of the dog; providing, that written notice is given to the City of Bay City within five (5) business days that a stray animal is being cared for and arrangements for disposition of the animal are made within ten (10) business days from the date of notice to the City.

"Law Enforcement/Code Enforcement Officer." Any deputy sheriff, contract police officer,

dog control officer, state police officer or person authorized by the City as a code enforcement officer.

"Noise." Noise associated with dogs under this Article means frequent or prolonged barking, howling, baying, yelping or whining that is audible to persons beyond the private property boundary of the owner of the dog, which includes a vehicle if the dog is being transported in or on a vehicle.

"Notice of Propensity for Aggressiveness." The owner of a dog has notice of that animal's propensity for aggressiveness if:

- A. The owner has personally observed any behavior by the dog that is defined by this Article as a propensity for aggressiveness;
- B. The owner has been personally informed by any other person, either in writing or orally, that the dog has displayed behavior defined by this Article as a propensity for aggressiveness.

"Owner." The owner of a dog means the person or persons who have taken responsibility for the welfare of the animal by providing the animal shelter, food and water to sustain the animal. Ownership may arise by purchase, gift, adoption or simply allowing a stray animal to take up residence for longer than five (5) business days without written notice to the City.

"Propensity for Aggressiveness." A dog displays a propensity for aggressiveness if it:

- A. Attacks a person by biting or mauling;
- B. Attacks other dogs without provocation;
- C. When approached by a person, does any of the following: snarls, growls, displays bared fangs, lays back ears or raises hackles.

"Public Property and Places." Public property and places means all of the street rights-of-way, public parks and grounds, school, business and non-profit property normally open to the public.

AFTER AMENDMENT

5.02.010 Definitions: Specific to Dog Control

"At Large." All dogs found upon any of the public streets, highways or other public places in the City of Bay City, Oregon, shall be deemed to be running loose or be at large within the meaning of this Article; except such dogs as may be under control by means of a chain or leash or upon voice or whistle control, or in or upon any vehicle, shall be deemed to be under the personal control of the owner or custodian thereof. Any dog shall be considered "running at large" when it is off or outside of the premises belonging to the owner of the dog and not under the control of its owner.

"Good Samaritan." To encourage all citizens to aid and protect animals in distress, the taking in and caring for a dog in distress will not confer ownership of the dog; providing, that written

notice is given to the City of Bay City within five (5) business days that a stray animal is being cared for and arrangements for disposition of the animal are made within ten (10) business days from the date of notice to the City.

~~"Law Enforcement/Code Enforcement Officer." Any deputy sheriff, contract police officer, dog control officer, state police officer or person authorized by the City as a code enforcement officer.~~

"Noise." Noise associated with dogs under this Article means frequent or prolonged barking, howling, baying, yelping or whining that is audible to persons beyond the private property boundary of the owner of the dog, which includes a vehicle if the dog is being transported in or on a vehicle.

"Notice of Propensity for Aggressiveness." The owner of a dog has notice of that animal's propensity for aggressiveness if:

- A. The owner has personally observed any behavior by the dog that is defined by this Article as a propensity for aggressiveness;
- B. The owner has been personally informed by any other person, either in writing or orally, that the dog has displayed behavior defined by this Article as a propensity for aggressiveness.

"Owner." The owner of a dog means the person or persons who have taken responsibility for the welfare of the animal by providing the animal shelter, food and water to sustain the animal. Ownership may arise by purchase, gift, adoption or simply allowing a stray animal to take up residence for longer than five (5) business days without written notice to the City.

"Propensity for Aggressiveness." A dog displays a propensity for aggressiveness if it:

- A. Attacks a person by biting or mauling;
- B. Attacks other dogs without provocation;
- C. When approached by a person, does any of the following: snarls, growls, displays bared fangs, lays back ears or raises hackles.

~~"Public Property and Places." Public property and places means all of the street rights-of-way, public parks and grounds, school, business and non-profit property normally open to the public.~~

SECTION 3: **ADOPTION** "5.03 Drones" of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03 Drones (Non-existent)

AFTER ADOPTION

5.03 Drones(*Added*)

SECTION 4: **ADOPTION** “5.03.010 Purpose And Intent” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03.010 Purpose And Intent (Non-existent)

AFTER ADOPTION

5.03.010 Purpose And Intent(*Added*)

- A. The purpose of this Article is to standardize unmanned aircraft systems or drone usage within the city limits. This chapter does not preempt and is intended to operate in conjunction with federal and state laws and regulations regarding drones.
- B. All sections herein are intended to protect the privacy, public safety, and welfare of the public and address specific areas of municipal concern where a drone incident could cause harm and injury.

SECTION 5: **ADOPTION** “5.03.020 Operating Requirements And Restrictions” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03.020 Operating Requirements And Restrictions (Non-existent)

AFTER ADOPTION

5.03.020 Operating Requirements And Restrictions(*Added*)

Drones are allowed for recreational and professional purposes, subject to the restrictions listed in this section and federal and state laws and regulations regarding drones. No person shall operate a drone in a manner that is prohibited by any federal and state laws and regulations. Drone operators may be required to produce a valid FAA registration upon request while operating the drone in any public area in the city.

- A. The use of a drone to engage in conduct which creates a substantial risk of serious physical injury to another person is considered "recklessly endangering another

- person" in accordance with ORS 163.195.
- B. ORS 837.370 prohibits the operation of an unmanned aircraft system (drone) over the boundaries of privately owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy the owner or occupant of the privately owned premises.
- C. In accordance with FAA Part 107.29(b) drone operators — both hobbyist pilots and Part 107 remote pilots — are prohibited from operating at night and during "civil twilight," 30 minutes before official sunrise and 30 minutes after official sunset, unless the aircraft is equipped with anti-collision lighting that is visible for at least three (3) statute miles and flashes at a rate sufficient to avoid a collision.
- D. Any person who causes injury to another person while operating a drone shall:
1. Notify law enforcement of the injury within 24 hours of the incident.
 2. Provide the operator's name and current residential address to law enforcement and present a valid form of identification issued by the federal or state government.
 3. Each failure to report shall constitute a separate violation of this Article.
- E. Any person who causes damage to property while operating a drone shall:
1. Immediately locate and notify the owner or person in charge of the damaged property of the name and current residential address of the drone operator and of the owner of the drone involved.
 2. Provide the operator's name and current residential address to law enforcement and present a valid form of identification issued by the federal or state government.
 3. In the event the owner or person in charge of the damaged property cannot reasonably be ascertained or located, the drone operator shall leave in a conspicuous place on the property damaged a written notice giving the name and current residential address of the drone operator and of the owner of the drone involved, as well as a statement of the circumstances of the incident resulting in the property damage. The drone operator must also provide this information to law enforcement within 24 hours of the incident.
 4. Each failure to report shall constitute a separate violation of this Article.

SECTION 6: ADOPTION “5.03.030 Protected Sites” of the Bay City
Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03.030 Protected Sites (Non-existent)

AFTER ADOPTION

5.03.030 Protected Sites(*Added*)

A. No person shall operate a drone within the airspace above or within a 200-foot horizontal distance of the following:

1. Law enforcement building(s), unless authorized by the chief administrator of the facility.
2. Public utility facilities, including, but not limited to, any water, wastewater, or electrical generating facility, unless authorized by the chief administrator of the facility.
3. Communication and utility structures, including, but not limited to, cell towers or similar equipment for the transmission of sounds, signal, or data, unless authorized by the chief administrator of the facility.

SECTION 7: **ADOPTION** “5.03.040 Recklessly Endangering Another Person” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03.040 Recklessly Endangering Another Person (Non-existent)

AFTER ADOPTION

5.03.040 Recklessly Endangering Another Person(*Added*)

The use of a drone to engage in conduct which creates a substantial risk of serious physical injury to another person is considered "recklessly endangering another person" in accordance with ORS 163.195.

SECTION 8: **ADOPTION** “5.03.050 Exemptions” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03.050 Exemptions (Non-existent)

AFTER ADOPTION

5.03.050 Exemptions(*Added*)

The provisions of this Article shall not apply to a drone that is used or operated by or on behalf of a government agency in compliance with applicable federal, state, county, and city laws and regulations.

SECTION 9: ADOPTION “5.03.060 Violations, Penalties” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.03.060 Violations, Penalties (Non-existent)

AFTER ADOPTION

5.03.060 Violations, Penalties(*Added*)

- A. All violations of the Code of Federal Regulations defined in Title 14 C.F.R. Part 101 and Title 14 C.F.R. Part 107 will be reported to the FAA.
- B. All violations of O.R.S. Chapter 837 may be punished under O.R.S. 837.990 and O.R.S. 837.995.
- C. Any condition created, caused, committed, or maintained in violation of any provision of this Chapter is hereby declared to be unlawful and a public nuisance.
- D. Any person who engages in a violation of this section, or who owns, possesses, manages, controls, or has charge of any drone in violation of this section, shall be subject to the penalties and remedies provided by this section.
- E. Any violation of this Chapter shall constitute a separate offense for each day the violation persists.
- F. Any intentional injury or property damage caused while operating a drone will be referred to the County District Attorney for criminal prosecution.
- G. Upon any violation of this section, any emergency responder or law enforcement officer (officer) shall be authorized to use reasonable force to cause the violating drone to land on the ground. Neither the city, nor the officers involved, shall be liable for any damage to a drone caused by an officer while enforcing this section if such damage was reasonably necessary to ensure unhindered performance of emergency services.
- H. Any drone found to be operated in violation of this section may be impounded and held as evidence in any enforcement proceeding, including a proceeding brought under this Chapter.
- I. The expenses of seizing, eradicating, destroying, or taking remedial action with respect to any impounded drone shall not be recoverable from the owner and/or operator of the drone. Proof of liability for any forfeiture petition under this Chapter shall be by a preponderance of the evidence.
- J. These penalties and remedies are cumulative, in addition to any other penalties and remedies available to the city

SECTION 10: **AMENDMENT** “5.04.050 Unnecessary Noise” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.050 Unnecessary Noise

- A. No person shall make assist in making, continue or cause to be made any loud, disturbing or unnecessary noise which which annoys, disturbs, injuries or endangers the comfort, repose, health, safety or peace of others.
- B. Loud, disturbing and unnecessary noises in violation of this Section include but are not limited to, the following:
 - 1. The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.
 - 2. The attaching of a bell to an animal or allowing a bell to remain on an animal.
 - 3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grinding, rattling or other noise.
 - 4. The sounding of a horn or a signaling device on a vehicle on a street, public place or a private place, except as a necessary warning of danger.
 - 5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper City authorities.
 - 6. The erection, including excavation, demolition, alteration or repair of a building in residential districts other than between the hours of 7:00 a.m. and sunset, except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the City Council for a period not to exceed ten days. The permit may be renewed for periods of five days while the emergency continues to exist. If the Council determines that the public health, safety and welfare will not be impaired by the erection, demolition, alteration or repair of a building between the hours of sunset and 7:00 a.m., and if the Council shall further determine that loss or inconvenience would result to any person unless the work is permitted within those hours, the Council may grant permission for such work to be done within specified hours between sunset and 7:00 a.m., and upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.
 - 7. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicles.
 - 8. The creation of excessive noise on a street adjacent to a school, institution of learning, church, court of justice, a hospital, nursing home or other institution for the care of the sick or infirm, while the same are in use, which unreasonably interferes with the operation of such institution.

9. The discharge in the open air or the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.
10. The use or operation of an automatic or electric band instruments, phonograph, tape player, compact disc or DVD player, radio, television, loudspeaker or any instrument for sound producing or any thereof, or in such a manner as renders the use thereof a nuisance. However, upon application to the Council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a national, state or city event, public festivals, or outstanding events of a non-commercial nature.
11. The use or operation of lawn maintenance equipment, including, but not limited to: Lawnmowers, weedeaters and chainsaws between the hours of sunset and 7:00 a.m.

AFTER AMENDMENT

5.04.050 Unnecessary Noise

- A. No person shall make assist in making, continue or cause to be made any loud, disturbing or unnecessary noise which which annoys, disturbs, injuries or endangers the comfort, repose, health, safety or peace of others.
- B. Loud, disturbing and unnecessary noises in violation of this Section include but are not limited to, the following:
 1. The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.
 2. The attaching of a bell to an animal or allowing a bell to remain on an animal.
 3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grinding, rattling or other noise.
 4. The sounding of a horn or a signaling device on a vehicle on a street, public place or a private place, except as a necessary warning of danger.
 5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper City authorities.
 6. The erection, including excavation, demolition, alteration or repair of a building in residential districts other than between the hours of 7:00 a.m. and sunset, except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the City Council for a period not to exceed ten days. The permit may be renewed for periods of five days while the emergency continues to exist. If the Council determines that the public health, safety and welfare will not be impaired by the erection, demolition, alteration or repair of a building between the hours of sunset and

7:00 a.m., and if the Council shall further determine that loss or inconvenience would result to any person unless the work is permitted within those hours, the Council may grant permission for such work to be done within specified hours between sunset and 7:00 a.m., and upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.

7. The use of a gong or siren upon a vehicle, other than ~~police~~ law enforcement, fire or other emergency vehicles.
8. The creation of excessive noise on a street adjacent to a school, institution of learning, church, court of justice, a hospital, nursing home or other institution for the care of the sick or infirm, while the same are in use, which unreasonably interferes with the operation of such institution.
9. The discharge in the open air or the exhaust of a ~~stream~~ engine, internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.
10. The use or operation of an automatic or electric band instruments, phonograph, tape player, compact disc or DVD player, radio, television, loudspeaker or any instrument for sound producing or any thereof, or in such a manner as renders the use thereof a nuisance. However, upon application to the Council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a national, state or city event, public festivals, or outstanding events of a non-commercial nature.
11. The use or operation of lawn maintenance equipment, including, but not limited to: Lawnmowers, weedeaters and chainsaws between the hours of sunset and 7:00 a.m.

SECTION 11: **AMENDMENT** “5.04.080 Loitering Or Prowling” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.080 Loitering Or Prowling

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of police officer, refuses to identify him/herself, or manifestly conceals him/herself or any object. Unless flight by the person or other circumstances make it impractical, a police officer/code enforcement officer, shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would be otherwise warranted, by requesting him to

identify himself and explain his presence and conduct; failure of a police officer/code enforcement officer to do so shall be a defense in any prosecution under the provisions of this Section. It shall also be a defense if it appears at trial that the explanation given by the person was true, and if believed by the police officer/code enforcement officer at the time would have dispelled the alarm.

AFTER AMENDMENT

5.04.080 Loitering Or Prowling

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of ~~police-law~~ enforcement officer, refuses to identify him/herself, or manifestly conceals him/herself or any object. Unless flight by the person or other circumstances make it impractical, a ~~police-law~~ enforcement officer/code enforcement officer, shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would be otherwise warranted, by requesting him to identify himself and explain his presence and conduct; failure of a ~~police-law~~ enforcement officer/code enforcement officer to do so shall be a defense in any prosecution under the provisions of this Section. It shall also be a defense if it appears at trial that the explanation given by the person was true, and if believed by the ~~police-law~~ enforcement officer/code enforcement officer at the time would have dispelled the alarm.

SECTION 12: **AMENDMENT** “5.04.090 Killing Of Birds” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.090 Killing Of Birds

No person shall kill or attempt to kill any bird within the limits of this City, except police officers/ code enforcement officers or public health officials, when necessary for the peace, health and safety of the citizens of the City, when authorized by the council.

AFTER AMENDMENT

5.04.090 Killing Of Birds

No person shall kill or attempt to kill any bird within the limits of this City, except ~~police-law~~ enforcement officers/ code enforcement officers or public health officials, when necessary for the peace, health and safety of the citizens of the City, when authorized by the council.

SECTION 13: **AMENDMENT** “5.04.010 Definitions: Offenses” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.010 Definitions: Offenses

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

"Person." A natural person, firm, partnership, association or corporation, whether s/he or it is acting for himself/herself or itself, or as the clerk, servant, employee or agent of another.

"Public place." A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

"Vehicle." Includes all motorized vehicles, including, but not limited to: Automobiles, camper trailers, recreational vehicles, motorcycles and ATVs.

AFTER AMENDMENT

5.04.010 ~~Definitions: Offenses~~(Reserved)

~~"Minor." A person under the age of 18 years, unless otherwise provided."Person." A natural person, firm, partnership, association or corporation, whether s/he or it is acting for himself/herself or itself, or as the clerk, servant, employee or agent of another."Public place." A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public."Vehicle." Includes all motorized vehicles, including, but not limited to: Automobiles, camper trailers, recreational vehicles, motorcycles and ATVs.~~

SECTION 14: **AMENDMENT** “5.04.160 Disorderly Conduct At Fires/Emergency Sites” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.160 Disorderly Conduct At Fires/Emergency Sites

- A. It shall be unlawful for any person at or near a fire or at any emergency site, to obstruct or impede the fighting of the fire or the response to any emergency situation, interfere with fire department personnel or fire department apparatus, to behave in a disorderly manner, or refuse to observe promptly an order of a member of the fire or police department.
- B. For purpose of this Section, members of the fire department are endowed with the

same powers of arrest as are conferred upon peace officers for violations of city ordinances.

AFTER AMENDMENT

5.04.160 Disorderly Conduct At Fires/Emergency Sites

- A. It shall be unlawful for any person at or near a fire or at any emergency site, to obstruct or impede the fighting of the fire or the response to any emergency situation, interfere with fire department personnel or fire department apparatus, to behave in a disorderly manner, or refuse to observe promptly an order of a member of the fire or ~~police~~ department law enforcement agency.
- B. For purpose of this Section, members of the fire department are endowed with the same powers of arrest as are conferred upon peace officers for violations of city ordinances.

SECTION 15: **AMENDMENT** “5.08.010 Definitions: Nuisances” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.08.010 Definitions: Nuisances

"Council." The City Council of the City of Bay City.

"Chronic Nuisance." Any condition(s) on any real property which is a Nuisance under this Article and has resulted in three violation letters issued by the City within any consecutive 24-month period.

"Dangerous Animal." An animal reasonably considered as wild or exotic which has the ability to harm or to frighten people. Dangerous animals include, but are not necessarily limited to, the following:

- A. Venomous snakes capable of inflicting serious physical harm or death to human beings;
- B. Non-human primates and prosimians;
- C. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids;
- D. Crocodiles, alligators, caiman and gavials;
- E. Non-domesticated species including; but not limited to: lions, tigers, lynx, leopards, cougars and bobcats;
- F. Raccoons, wolverines and weasels;
- G. Any animal reasonably considered a pest, dangerous, or which has threatened or attacked persons or domesticated pets within the City of Bay City.

H. Any animal that creates conditions which endanger the public health, safety, or welfare.

"Code Enforcement Officer." The City Manager, Public Works Director, Fire Chief, City Planner, Building Inspector, and all other persons designated by the City Manager to serve as Code Enforcement Officer.

"Inoperable or Abandoned Vehicle." Any vehicle which has no current valid state vehicle license, or which cannot be moved without being repaired or dismantled, or which is no longer usable for the purpose for which it was intended, and which has been in that condition for at least 15 days.

"Junk." The term "junk" is personal property, waste, or material that in the sole discretion of the Enforcement Officer should be discarded and includes, but is not limited to:

- A. Refuse, garbage, glass, scrap metal, paper products, scrap lumber, concrete or asphalt chunks, cans and tires.
- B. Abandoned or unused furniture, machinery, toys, stoves, sinks, toilets, cabinets or other fixtures, appliances or equipment or any parts thereof.
- C. Combustible material likely to become easily ignited or debris resulting from any fire or any material which constitutes a fire hazard, as defined in the Uniform Fire Code.
- D. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers and boats or any parts thereof.

"Municipal Court." The Tillamook County Justice Court, which provides municipal court services to the City pursuant to an agreement under ORS 51.037.

"Municipal Judge." The Tillamook County Justice of the Peace or other judge providing court services to the City.

"Noxious Vegetation." Noxious vegetation is any vegetation that is, or is likely to become:

- A. A health hazard;
- B. A fire hazard
- C. A traffic hazard because it impairs the view of the public thoroughfare, or otherwise makes the thoroughfare hazardous;
- D. Poison Oak;
- E. Poison Ivy;
- F. Blackberry bushes that extend into a public way or pathway frequented by children, cross a property line, or are used for habitation by trespassers;
- G. Grass or weeds more than 12 inches high;
- H. Scotch Broom, English Ivy, Hogwood, Knotweed, and Purple Loosestrife; and
- I. All other vegetation included in the State Department of Agriculture "Oregon Department of Agriculture Noxious Weed Control Policy and Classification System".

"Nuisance." A thing, condition, substance or activity which is injuring or endangering the

public peace, health, safety or welfare; including, but not limited to, the things, conditions, substances and activities specified in this Article.

"Responsible Party." The Responsible Party for abating a nuisance may include:

- A. The owner of the property;
- B. Any agent of the owner, lessee, occupant, contract purchaser, tenant, or other person having possession or control of the property; and
- C. The person who caused a nuisance to come into or to continue in existence.

"Right-of-way." All property dedicated to the public for transportation and public utilities and administered by the city, including: City streets, roads, highways, alleys, sidewalks, public easements, and other similar public ways generally open to vehicular or non-vehicular transit, including the subsurface under and air space over these ways; but does not include parks, parkland, bridges unless pre-approved, or other City property not generally open to public transit or to vehicular transit.

AFTER AMENDMENT

5.08.010 ~~Definitions: Nuisances~~ (Reserved)

~~"Council." The City Council of the City of Bay City. "Chronic Nuisance." Any condition(s) on any real property which is a Nuisance under this Article and has resulted in three violation letters issued by the City within any consecutive 24-month period. "Dangerous Animal." An animal reasonably considered as wild or exotic which has the ability to harm or to frighten people. Dangerous animals include, but are not necessarily limited to, the following: "Code Enforcement Officer." The City Manager, Public Works Director, Fire Chief, City Planner, Building Inspector, and all other persons designated by the City Manager to serve as Code Enforcement Officer. "Inoperable or Abandoned Vehicle." Any vehicle which has no current valid state vehicle license, or which cannot be moved without being repaired or dismantled, or which is no longer usable for the purpose for which it was intended, and which has been in that condition for at least 15 days. "Junk." The term "junk" is personal property, waste, or material that in the sole discretion of the Enforcement Officer should be discarded and includes, but is not limited to: "Municipal Court." The Tillamook County Justice Court, which provides municipal court services to the City pursuant to an agreement under ORS 51.037. "Municipal Judge." The Tillamook County Justice of the Peace or other judge providing court services to the City. "Noxious Vegetation." Noxious vegetation is any vegetation that is, or is likely to become: "Nuisance." A thing, condition, substance or activity which is injuring or endangering the public peace, health, safety or welfare; including, but not limited to, the things, conditions, substances and activities specified in this Article. "Responsible Party." The Responsible Party for abating a nuisance may include: Venomous snakes capable of inflicting serious physical harm or death to human beings; Non-human primates and prosimians; Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids; Crocodiles, alligators, caiman and gavials; Non-domesticated species including, but not limited to: lions, tigers, lynx, leopards, cougars and bobcats; Raccoons, wolverines and weasels; Any animal reasonably considered a pest,~~

~~dangerous, or which has threatened or attacked persons or domesticated pets within the City of Bay City. Any animal that creates conditions which endanger the public health, safety, or welfare. Refuse, garbage, glass, scrap metal, paper products, scrap lumber, concrete or asphalt chunks, cans and tires. Abandoned or unused furniture, machinery, toys, stoves, sinks, toilets, cabinets or other fixtures, appliances or equipment or any parts thereof. Combustible material likely to become easily ignited or debris resulting from any fire or any material which constitutes a fire hazard, as defined in the Uniform Fire Code. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers and boats or any parts thereof. A health hazard; A fire hazard A traffic hazard because it impairs the view of the public thoroughfare, or otherwise makes the thoroughfare hazardous; Poison Oak; Poison Ivy; Blackberry bushes that extend into a public way or pathway frequented by children, cross a property line, or are used for habitation by trespassers; Grass or weeds more than 12 inches high; Scotch Broom, English Ivy, Hogwood, Knotweed, and Purple Loosestrife; and All other vegetation included in the State Department of Agriculture "Oregon Department of Agriculture Noxious Weed Control Policy and Classification System". The owner of the property; Any agent of the owner, lessee, occupant, contract purchaser, tenant, or other person having possession or control of the property; and The person who caused a nuisance to come into or to continue in existence. "Right-of-way." All property dedicated to the public for transportation and public utilities and administered by the city, including: City streets, roads, highways, alleys, sidewalks, public easements, and other similar public ways generally open to vehicular or non-vehicular transit, including the subsurface under and air space over these ways; but does not include parks, parkland, bridges unless pre-approved, or other City property not generally open to public transit or to vehicular transit.~~

SECTION 16: **AMENDMENT** "6.04.070 Authority Of Police And Fire Officers" of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.070 Authority Of Police And Fire Officers

- A. It shall be the duty of police officers to enforce the provisions of this Article.
- B. In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this Article.

AFTER AMENDMENT

6.04.070 Authority Of ~~Police~~Law Enforcement And Fire Officers

- A. It shall be the duty of ~~police~~law enforcement officers to enforce the provisions of this Article.
- B. In the event of a fire or other public emergency, law enforcement officers ~~of the police~~

and members of the fire department may direct traffic as conditions require, notwithstanding the provisions of this Article.

SECTION 17: **AMENDMENT** “6.04.200 Method Of Parking” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.200 Method Of Parking

- A. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curb-side wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- B. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- C. The operator who first begins maneuvering his motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.
- D. Whenever the operator of a vehicle discovers that his vehicle is parked close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

AFTER AMENDMENT

6.04.200 Method Of Parking

- A. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curb-side wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- B. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- C. The operator who first begins maneuvering his motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.
- D. Whenever the operator of a vehicle discovers that his vehicle is parked close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by ~~police~~ law enforcement or fire officers.

SECTION 18: **AMENDMENT** “6.04.240 Action By Police Officer” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.240 Action By Police Officer

Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of Section 6.04.230, the police officer is authorized to remove the key from vehicle and deliver the key to the person in charge of the police station.

AFTER AMENDMENT

6.04.240 Action By ~~Police~~Law enforcement Officer

Whenever a ~~police~~law enforcement officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of Section 6.04.230, the ~~police~~law enforcement officer is authorized to remove the key from vehicle and deliver the key to the person in charge of the ~~police~~law enforcement station.

SECTION 19: **AMENDMENT** “6.04.320 Impounding Of Bicycles” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.320 Impounding Of Bicycles

- A. It shall be unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- B. A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.
- C. In addition to any citation issued, a bicycle parked in violation of this Article may be immediately impounded by the police department.
- D. If a bicycle impounded under this Article is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. An impounding fee of _____ shall be charged to the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
- E. A bicycle impounded under this Article which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

AFTER AMENDMENT

6.04.320 Impounding Of Bicycles

- A. It shall be unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- B. A bicycle left on public property for a period in excess of 24 hours may be impounded by the ~~police~~ law/code enforcement department.
- C. In addition to any citation issued, a bicycle parked in violation of this Article may be immediately impounded by the ~~police~~ law/code enforcement department.
- D. If a bicycle impounded under this Article is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. An impounding fee ~~of _____~~ as set by City Council Resolution shall be charged to the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
- E. A bicycle impounded under this Article which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

SECTION 20: **AMENDMENT** “6.04.410 Duties At An Accident” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.410 Duties At An Accident

- A. The operator of a motor vehicle involved in an accident on other property open to public travel which results in injury or death to a person or causes damage to another occupied vehicle shall stop immediately at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the following requirements:
 - 1. Rendered to a person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of the person to a physician or hospital for medical treatment, if it is apparent that treatment is necessary, or if the injured person requests conveyance.
 - 2. Given to the occupant of the other vehicle his name and address and the names and addresses of any other occupants of the vehicle he is operating.
- B. The operator of a motor vehicle on other property open to public travel which collides with as unattended vehicle or damages other property, public or private, shall make a reasonable effort to locate and notify the owner of the damaged property. If, after reasonable effort, the operator cannot locate the owner, he shall leave in a conspicuous place a note containing his name and address and a brief description of the circumstances and promptly report the accident to the police.
- C. A witness to the accident shall furnish to the operators or occupants of the vehicles, or injured persons, his name and address.

AFTER AMENDMENT

6.04.410 Duties At An Accident

- A. The operator of a motor vehicle involved in an accident on other property open to public travel which results in injury or death to a person or causes damage to another occupied vehicle shall stop immediately at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the following requirements:
 - 1. Rendered to a person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of the person to a physician or hospital for medical treatment, if it is apparent that treatment is necessary, or if the injured person requests conveyance.
 - 2. Given to the occupant of the other vehicle his name and address and the names and addresses of any other occupants of the vehicle he is operating.
- B. The operator of a motor vehicle on other property open to public travel which collides with ~~an~~ unattended vehicle or damages other property, public or private, shall make a reasonable effort to locate and notify the owner of the damaged property. If, after reasonable effort, the operator cannot locate the owner, he shall leave in a conspicuous place a note containing his name and address and a brief description of the circumstances and promptly report the accident to ~~the police~~ law enforcement.
- C. A witness to the accident shall furnish to the operators or occupants of the vehicles, or injured persons, his name and address.

SECTION 21: **AMENDMENT** “6.04.420 Enforcement” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.420 Enforcement

- A. The violation of a provision of this Article relating to the operation of a motor vehicle on other property open to public travel shall be a municipal offense and shall subject the violator to arrest by a police officer or a private citizen if the violation takes place in the presence of the officer or citizen, or by a police officer acting under authority of a municipal court warrant.
- B. ORS 133.310(3) and 484.105 shall not apply to offenses on other property open to public travel. The Oregon Uniform Traffic Citation and Complaint Form shall not be used, and convictions for offenses occurring on other property open to public travel shall not be reported to the [Motor Vehicles Division].
- C. A misdemeanor citation may be issued in lieu of custody.

AFTER AMENDMENT

6.04.420 Enforcement

- A. The violation of a provision of this Article relating to the operation of a motor vehicle on other property open to public travel shall be a municipal offense and shall subject the violator to arrest by a ~~police~~-law enforcement officer or a private citizen if the violation takes place in the presence of the officer or citizen, or by a ~~police~~-law enforcement officer acting under authority of a municipal court warrant.
- B. ORS 133.310(3) and 484.105 shall not apply to offenses on other property open to public travel. The Oregon Uniform Traffic Citation and Complaint Form shall not be used, and convictions for offenses occurring on other property open to public travel shall not be reported to the [Motor Vehicles Division].
- C. A misdemeanor citation may be issued in lieu of custody.

SECTION 22: **AMENDMENT** “6.04.470 Impoundment Of Vehicles” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.470 Impoundment Of Vehicles

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

AFTER AMENDMENT

6.04.470 Impoundment Of Vehicles

- A. Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a ~~police~~-law/code enforcement officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the

officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

- B. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this Article.
- C. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- D. Whenever a ~~police~~ law/code enforcement officer observes a vehicle parked in violation of a provision of this Article, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

SECTION 23: **AMENDMENT** “7.12.020 Definitions: Abandoned Vehicles, Boats And Trailers” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.12.020 Definitions: Abandoned Vehicles, Boats And Trailers

As used in this Article, unless the content requires otherwise, the following mean:

"Abandoned Vehicle, Boat or Trailer." A vehicle, boat or trailer is abandoned if it is continuously parked or placed on any public street, alley, highway or other public way including rights of way for a period of more than 48 consecutive hours, without authorization.

"Boat." Boat means every description of water craft used or capable of being used as a means of transportation on water.

"Enforcement Officer." Any peace officer, police officer of the City, the Public Works Director, City Enforcement Officer or other City employee authorized to enforce this Article.

"Hazardous Vehicle, Boat or Trailer." A vehicle, boat or trailer left in a location or condition such as to constitute an immediate and continuous hazard to the safety of persons using the public streets or alleys of the City. For example, and not by limitation, the following are hazardous vehicles, boats or trailers:

- A. Vehicles, boats or trailers blocking or obstructing in any way private rights of ways or driveways.
- B. Vehicles, boats or trailers with leaks in gas or oil tanks.
- C. Vehicles, boats or trailers blocking or obstructing in any way fire hydrants or the fire station.
- D. Vehicles, boats or trailers blocking clear vision areas.

- E. Vehicles, boats or trailers parked so that any part of the vehicle extends within the street right-of-way.
- F. Vehicles, boats or trailers parked so as to interfere with maintenance of the public streets, drainage ditches and rights of way.
- G. A vehicle, boat or trailer parked in a "no parking" zone or area.
- H. A vehicle, boat or trailer parked so that any part of the vehicle extends within the paved portion of the travel lane or is in anyway a hazard to traffic.
- I. A vehicle parked on public property without permission or is in anyway a hazard to traffic.
- J. The vehicle, boat or trailer was reported stolen.
- K. The vehicle, boat or trailer is to be used as evidence in traffic or criminal prosecutions, or the operator has been taken into custody by an enforcement agency.

A vehicle, boat or trailer is not hazardous if it has hazard operating lights flashing or if there are flares in use, or other actions indicating activity is in progress to remove the disabled vehicle, boat or trailer.

"Impounding Authority." A private towing company or person removing and/or storing the vehicle, boat or trailer at the request of the City.

"Junked Vehicle or Boat." A vehicle/boat is a junked vehicle/boat if it is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition, whether attended to or not, upon any public property within the City.

"Legal Interest." A person who claims some ownership interest in the subject property by direct ownership, security interest, or by way of marriage, partnership, inheritance or any other legally recognized method.

"Owner." A person shown by the records of the Oregon Department of Motor Vehicles to be the owner of the vehicle or from the Oregon Department of Fish and Wildlife for any boat, or another person with a claim or interest, either individually or jointly, in a vehicle, boat or trailer.

"Private Garage." An individual or a commercial business which provides towing services, a private storage yard, garage, or other storage place for any vehicle, boat or trailer at the request of the enforcement officer.

"Public Way." A public way shall be considered any property owned by the City or under the jurisdiction of the City in which the City has the right to regulate the use thereof, including easements, rights of way, parks and property owned by the City.

"Servicing on Streets." A vehicle, boat or trailer located on a public street or right of way dismantled or inoperable due to work, repair or maintenance being conducted on it.

"Trailer." Any device which has no independent power mechanism of its own, but which can be attached to a vehicle.

"Vehicle." Every device in, upon or by which a person may be transported except devices

moved exclusively by human power or used exclusively upon stationary rails or tracks.

AFTER AMENDMENT

7.12.020 Definitions: Abandoned Vehicles, Boats And Trailers

As used in this Article, unless the content requires otherwise, the following mean:

"Abandoned Vehicle, Boat or Trailer." A vehicle, boat or trailer is abandoned if it is continuously parked or placed on any public street, alley, highway or other public way including rights of way for a period of more than 48 consecutive hours, without authorization.

"Boat." Boat means every description of water craft used or capable of being used as a means of transportation on water.

"Enforcement Officer." Any peace officer, ~~police~~ law enforcement ~~officer of the City~~, the City Manager, Public Works Director, City Enforcement Officer or other City employee authorized to enforce this Article.

"Hazardous Vehicle, Boat or Trailer." A vehicle, boat or trailer left in a location or condition such as to constitute an immediate and continuous hazard to the safety of persons using the public streets or alleys of the City. For example, and not by limitation, the following are hazardous vehicles, boats or trailers:

- A. Vehicles, boats or trailers blocking or obstructing in any way private rights of ways or driveways.
- B. Vehicles, boats or trailers with leaks in gas or oil tanks.
- C. Vehicles, boats or trailers blocking or obstructing in any way fire hydrants or the fire station.
- D. Vehicles, boats or trailers blocking clear vision areas.
- E. Vehicles, boats or trailers parked so that any part of the vehicle extends within the street right-of-way.
- F. Vehicles, boats or trailers parked so as to interfere with maintenance of the public streets, drainage ditches and rights of way.
- G. A vehicle, boat or trailer parked in a "no parking" zone or area.
- H. A vehicle, boat or trailer parked so that any part of the vehicle extends within the paved portion of the travel lane or is in anyway a hazard to traffic.
- I. A vehicle parked on public property without permission or is in anyway a hazard to traffic.
- J. The vehicle, boat or trailer was reported stolen.
- K. The vehicle, boat or trailer is to be used as evidence in traffic or criminal prosecutions, or the operator has been taken into custody by an enforcement agency.

A vehicle, boat or trailer is not hazardous if it has hazard operating lights flashing or if there are flares in use, or other actions indicating activity is in progress to remove the disabled vehicle, boat or trailer.

"Impounding Authority." A private towing company or person removing and/or storing the vehicle, boat or trailer at the request of the City.

"Junked Vehicle or Boat." A vehicle/boat is a junked vehicle/boat if it is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition, whether attended to or not, upon any public property within the City.

"Legal Interest." A person who claims some ownership interest in the subject property by direct ownership, security interest, or by way of marriage, partnership, inheritance or any other legally recognized method.

"Owner." A person shown by the records of the Oregon Department of Motor Vehicles to be the owner of the vehicle or from the Oregon Department of Fish and Wildlife for any boat, or another person with a claim or interest, either individually or jointly, in a vehicle, boat or trailer.

"Private Garage." An individual or a commercial business which provides towing services, a private storage yard, garage, or other storage place for any vehicle, boat or trailer at the request of the enforcement officer.

"Public Way." A public way shall be considered any property owned by the City or under the jurisdiction of the City in which the City has the right to regulate the use thereof, including easements, rights of way, parks and property owned by the City.

"Servicing on Streets." A vehicle, boat or trailer located on a public street or right of way dismantled or inoperable due to work, repair or maintenance being conducted on it.

"Trailer." Any device which has no independent power mechanism of its own, but which can be attached to a vehicle.

"Vehicle." Every device in, upon or by which a person may be transported except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

SECTION 24: **AMENDMENT** "8.04.060 Carry License" of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.060 Carry License

Such license shall be carried at all times by each solicitor to whom issued, when soliciting or canvassing in the city, and shall be exhibited by any such solicitor wherever he or she shall be requested to do so by any police officer or any person solicited.

AFTER AMENDMENT

8.04.060 Carry License

Such license shall be carried at all times by each solicitor to whom issued, when soliciting or canvassing in the city, and shall be exhibited by any such solicitor wherever he or she shall be requested to do so by any ~~police~~ law/code enforcement officer or any person solicited.

SECTION 25: **AMENDMENT** “10.07.312 Definitions” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.07.312 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in the National Flood Insurance Program to give this Chapter its most reasonable application.

"Appeal." Means a request for a review of the interpretation of any provision of this Chapter or a request for a variance.

"Area of Shallow Flooding." Means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of Special Flood Hazard." The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. Also referred to as SFHA.

"Basement." Means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood." Means the flood elevation having a one percent chance of being equaled or exceeded in any given year. Designation on maps always includes the letters A or V.

"Below-Grade Crawl Space." Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

"Breakaway Walls." Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal High Hazard Area." Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE, or V.

"Critical Facility." Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, and police, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"Development." Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the Area of Special Flood Hazard.

"Elevated Building." Means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Fill." Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

"Fish Accessible Space." The volumetric space available to fish to access.

"Fish Egress-able Space." The volumetric space available to fish to exit or leave from.

"Flood or Flooding."

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1. of this definition.

"Flood Insurance Rate Map (FIRM)." Means an official map of a community, on which the

Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Map (DFIRM).

"Flood Insurance Study." Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

"Floodway." Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Flood Openings." Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed with flood openings to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for flood openings must either be certified by a registered professional engineer or architect OR must meet or exceed the following minimum criteria:

- A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- B. The bottom of all openings shall be no higher than one foot above grade.
- C. Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

"Green Infrastructure." Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. "Habitat Restoration Activities." Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

"Hazard Trees." Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

"Hydraulically Equivalent Elevation." A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the

same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow. Hydrologically Connected: The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both. "Impervious Surface." A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then "flushed" into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

"Low Impact Development." An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

"Lowest Floor." Means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this Chapter and 44 CFR 60.3.

"Manufactured Dwelling." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood hazard regulatory purposes, the term "manufactured dwelling" does not include park trailers, recreational vehicles, travel trailers, and other similar vehicles.

"Manufactured Dwelling Park or Subdivision." A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

"Mean Higher-High Water." The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

"Mean Sea Level (MSL)." Means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which the base flood elevations shown on the community's Flood Insurance Rate Maps are referenced.

"New Construction." For floodplain management purposes, new construction means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements

to such structures.

"No Net Loss." A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

"Offsite." Mitigation occurring outside of the project area.

"Onsite." Mitigation occurring within the project area.

"Ordinary High Water Mark." The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

"Qualified Professional." Appropriate subject matter expert that is defined by the community.

"Reach." A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

"Recreational Vehicle." A recreational vehicle means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, or seasonal use.

"Riparian." Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

"Riparian Buffer Zone (RBZ)." The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

"Riparian Buffer Zone Fringe." The area outside of the RBZ and floodway but still within the SFHA. "Silviculture." The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands."Special Flood Hazard Area

(SFHA)." See "Area of Special Flood Hazard".

"Start of Construction." Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

"Structure." Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage." Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement." Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Undeveloped Space." The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

"Variance." Means a grant of relief by a community from the terms of a floodplain management regulation.

"Water Dependent." Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

AFTER AMENDMENT

10.07.312 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in the National Flood Insurance Program to give this Chapter its most reasonable application.

"Appeal." Means a request for a review of the interpretation of any provision of this Chapter or a request for a variance.

"Area of Shallow Flooding." Means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of Special Flood Hazard." The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. Also referred to as SFHA.

"Basement." Means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood." Means the flood elevation having a one percent chance of being equaled or exceeded in any given year. Designation on maps always includes the letters A or V.

"Below-Grade Crawl Space." Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

"Breakaway Walls." Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation

system.

"Coastal High Hazard Area." Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE, or V.

"Critical Facility." Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, and ~~police~~law enforcement, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"Development." Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the Area of Special Flood Hazard.

"Elevated Building." Means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Fill." Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

"Fish Accessible Space." The volumetric space available to fish to access.

"Fish Egress-able Space." The volumetric space available to fish to exit or leave from.

"Flood or Flooding."

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - 4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1. of this definition.

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composition, health, and quality of forests and woodlands."Special Flood Hazard Area (SFHA)." See "Area of Special Flood Hazard".

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"Structure." Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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"Variance." Means a grant of relief by a community from the terms of a floodplain

management regulation.

"Water Dependent." Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

SECTION 26: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 27: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from thirty (30) days after the required approval and publication according to law.

SECTION 28: **APPROVAL AND ADOPTION**

First Reading: March 10, 2026

Second Reading: April 14, 2026

Effective Date: May 14, 2026

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL APRIL 14, 2026.

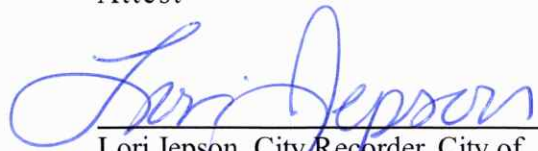
	AYE	NAY	ABSENT	ABSTAIN
Kathleen Baker, Council President	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Anthony Boatman, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Justin Howard, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Colin Jones, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ralph McRae, Councilor	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Karen Shea, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer



Liane Welch, Mayor, City of Bay City

Attest



Lori Jepson, City Recorder, City of
Bay City