



Staff Report

File #: 17-586

Version: 1

Date: 12/4/2017

Item #: 7.1 c.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Salem Revised Code - Recodification project - Titles I - IX.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall City Council conduct first reading, and proceed to second reading for enactment of Ordinance Bill No. 25-17, which makes minor amendments and formatting changes to Titles I-IX of the Salem Revised Code?

RECOMMENDATION:

Conduct first reading, and proceed to second reading for enactment of Ordinance Bill No. 25-17, which makes minor amendments and formatting changes to Titles I-IX of the Salem Revised Code.

SUMMARY AND BACKGROUND:

The City has contracted with Municode, Inc. to host the Salem Revised Code ("Code") and perform codification services of the Code for the City. Once the service is online, it will allow easier access to Code provisions, and to legislative history of code amendments, for the public and internal users. It will also make codification of code amendments more efficient, and code amendments, and code supplements, to be provided to users more quickly. As part of the service, Municode has undertaken a comprehensive legal review of the Code, and proposed several changes to clarify existing code language, standardize formatting, and ensure that the Code is consistent with the requirements of Oregon and federal law.

The proposed code amendments have been separated into two ordinances; Ordinance Bill No. 25-17, relates to Titles I - IX of the Code, and Ordinance Bill No. 25-17, relates to Title X, the Unified Development Code (UDC). Because the UDC is a land use regulation, the City is required to conduct

a public hearing and send notice of the proposed amendments to the Department of Land Conservation and Development (DLCD), neighborhood associations, and other stakeholders. The UDC ordinance appears on tonight's agenda as a separate first reading, and is scheduled for a public hearing before Council, and second reading, on December 11, 2017.

FACTS AND FINDINGS:

A summary of the changes to Titles I-IX proposed in Ordinance Bill No. 25-17 is attached hereto as Attachment 1. The ordinance bill, and the complete proposed code amendment are set forth as Attachment 2 and Attachment 3, respectively. Due to the size of the exhibit (over 900 pages), the physical file is not attached to this report, but will be available in Council Chambers on December 4 and December 11, is available via the City's website and may be viewed at the City Recorder's office.

Generally, the proposed ordinance does not make substantive changes to the code language, except to conform the Code to state or federal laws, and in a few instances where staff determined a change was necessary. The changes to Titles I through IX of the Code are set forth in Attachment 1 - Summary Table. The more significant changes are identified below.

- SRC 2.035 - The City's contract for hearings officer services is through a competitive RFP process.
- SRC 30.905 - Retains standards for pushcarts, but eliminates license requirement. Food vendors continue to be subject to county health standards and licensing.
- SRC chapter 43 - Franchises. Changes made to make the chapter consistent with the federal cable act prohibition of "unreasonable refusal" of cable franchises.
- SRC chapter 56 - Definitions moved or consolidated.
- SRC 56.019 - Removed requirement for posting on-site inspection card as no longer necessary.
- SRC 76.005 - Eliminates definitions that are duplicate to those in SRC chapter 805.
- SRC 92.005 - Eliminates various gambling offenses as violations of the City Code. Those types of violations will be cited under state law and prosecuted through the county circuit court.

Processing of routine code amendments have been suspended to allow for Municode to provide up to date ordinances that reflect all code changes that have occurred over the past year. Therefore, staff is recommended that these two ordinances be passed as soon as practical. Once these two ordinances are passed by Council, new code amendments will be incorporated into the recodified Code. Each ordinance contains an emergency clause to make them both effective on January 1, 2018.

After first reading on December 4, ordinance bill no. 25-17 is scheduled for second reading on, December 11 in conjunction with the public hearing and second reading of ordinance bill no. 26-17, the proposed recodification of the UDC ordinance.

Dan Atchison, City Attorney

Attachments:

1. Table - Summary of Changes,
2. Ordinance Bill No. 25-17,
3. Exhibit A to Ordinance Bill No. 25-17 (electronic version only)