AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
February 1, 2010, 7:00 p.m., M.T.

1) Call to order

A) Roll Call: Norm Crume ___ Charlotte Fugate ____ John Gaskill _____
Susann Mills ____ David Sullivan _____ Ron Verini _____
Joe Dominick _____

2) Pledge of Allegiance

This Agenda was sent to the media on Wednesday, January 27, 2010, and a study session was held on Thursday, January 28, 2010. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) Motion to adopt the entire agenda

4) Consent Agenda: Motion Action Approving Consent Agenda Items

A) Approval of Minutes of Regular Meeting of 01/19/10 1-4
B) Resolution #2010-107: Receive ODOT Traffic Safety Grant for Bike Safety Program 5-7
C) Resolution #2010-108: Receive ODOT Grant for Speed Enforcement 8-9
D) Approval of the Bills

5) Public Comments: Citizens may address the Council on items not on the Agenda. Council may not be able to provide an immediate answer or response, but will direct staff to follow up within three days on any question raised. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) New Business:

A) Resolution #2010-105: Declaration of Surplus Property - Firearms 10-14
B) Resolution #2010-106: Authorize Carry-Forward of Project Expenditures Within the Reserve Fund; Public Works for Capital Improvements Projects Wat-2 and Wat-3 15-19
C) Resolution #2010-109: Receive PetSmart Charities Grant for Feral Cat Program 20-30
D) Ordinance #2638-2010: Amend OMC 4-5 Regarding Maintenance Standards for Buildings; Defining Dangerous Buildings; Revising Penalties and Procedures for Enforcement of Maintenance Standards in Compliance with Senate Bill 915 (First Reading) 31-51

7) Topics for Discussion: Thursday

A) Committee Appointment/Reappointments: Tori Barnett 52-53
B) Golf Course Kitchen: Bob Walker (Hand-Out)
C) Lawn Parking Ordinance: Larry Sullivan

8) Correspondence, Comments and Ex-Officio Reports

9) Adjourn

MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made. T.D.D. available by calling 889-7266.

COUNCIL MEETING MINUTES
January 19, 2010

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Tuesday, January 19, 2010, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Charlotte Fugate, John Gaskill, Susann Mills, David Sullivan and Ron Verini.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Bob Walker, and camera operator Delaney Kee.

Ron Verini led everyone in the Pledge of Allegiance.

John Gaskill moved, seconded by Charlotte Fugate, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 12/21/09; Item B: Approval of Minutes of Electronic/Telephonic meeting of 01/07/10; Item C: Proclamation: Fire Service Appreciation Day – January 27, 2010; Item D: Resolution #2010-101: Permanent Utility Easement Agreement from J.R. Simplot to the City for Existing Sewer Lines; and Item E: Approval of the Bills. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

On a side note, Mayor Dominick stated that on March 19th, the Ontario Sister City Organization visitors from Osakasayama, Japan, would be in Ontario, and host families were still needed. If anyone was interested, please contact him at his office.

The Ontario Fire and Rescue Department, full-time and volunteer staff, headed by Chief Allan Higinbotham, were present to hear the proclamation read into the record by Mayor Dominick:

WHEREAS, the fire service members of Ontario have dedicated themselves to the protection of life and property of their follow citizens, often at great risk to their own safety and well-being; and

WHEREAS, the fire service members of Ontario have continuously supported efforts to elevate the standards and training of firefighters and have been instrumental in increasing the public awareness of methods of fire protection and suppression; and

WHEREAS, firefighting is one of the most hazardous professions and requires extensive training, strength, endurance, courage and a selfless concern for the safety of the citizens of Ontario; and

WHEREAS, the contributions and sacrifices of valiant fire service members are often inadequately recognized by the public, and

WHEREAS, the work of fire service members deserved the attention and gratitude of all individuals in Ontario.

NOW, THEREFORE, BE IT RESOLVED, that I, Joe Dominick, Mayor of the City of Ontario, do hereby proclaim January 27th of each year to be recognized as

FIRE SERVICE APPRECIATION DAY

and be it further resolved that the legislative assembly encourages all citizens in Ontario to recognize and honor our fire service members for their efforts to keep our citizens safe from the ravages of fire.

Al Higinbotham, Fire Chief, stated the department appreciated the Council's support. There was a lot of experience in the department, and he gave a personal nod to long-time volunteer Dave Lockner, who had been with the department for over 35 years. The Chief stated he couldn't be any more proud of his crew. They were very dedicated and hard-working.

Firefighters in attendance were Justen Allison, Mike Clark, Tom Davis, Dominic Desimini, Yorick deTassigny, Kipp Domby, Mark Fillman, Jared Gammage, Gary Gibbs, Gabe Gomez, Frank Grimaldo, Frank Grimaldo, Jr., Todd Higinbotham, Kevin Hill, Lonnie Justus, Tony Klein, Brule Lehman, Dave Lockner, Allen Montgomery, Ron Park, Rick Ramirez, Paul Rangel, Jonathan Rico, Cameron Saito, Dusty Simpson, Matt Smith, Nick Smith, Tyler Swanson, Jim Wick, Brian Wickert and Casey Wilber. *(Underline denotes full-time staff)*

NEW BUSINESS

Resolution #2010-102: Continuing the Business Loan Fund Program and Revising Loan Criteria and Procedures

Larry Sullivan, City Attorney, stated the City of Ontario Business Loan Fund (BLF) was established by Resolution #87-103, dated March 2, 1987. In 2000, the City Council concluded that the BLF was being underutilized and in Resolution #00-128 it lowered the interest rate from a fixed rate of 5% to a new rate of 2% under the prime interest rate. In 2004, in Resolution #2004-140, the City Council again revised the BLF loan criteria, this time to permit businesses located outside the Urban Growth Area to be eligible for BLF loans if the projects financed provided benefits, directly or indirectly, within the Urban Growth Area. In the past year, as a result of defaults by businesses that had received substantial BLF loans, the City Council had a number of discussions, including a work session in October, 2009, to discuss revising the BLF loan criteria. Proposed Resolution #2010-102 was intended to address the concerns raised by the Council in those discussions.

The changes made to the BLF program by proposed Resolution #2010-102 included the following: Add as a goal to encourage loans to businesses in less commercially developed areas; Require applicants to meet at least three project goals; Make working capital an ineligible loan activity; Restrict loans to businesses located primarily in the Ontario city limits rather than loans that provide benefits within the Urban Growth Area; Add provisions making personal, financial information provided by applicants confidential and requiring the City to follow procedures to maintain that confidentiality; Require the Finance Director to investigate the value of collateral; Require at least one Loan Committee member to have accounting experience; Allow businesses that engage in gambling activities (such as the Oregon lottery) to be eligible for funds (the prior restriction making gambling businesses ineligible was eliminate; Eliminate the requirement that applicants create one new job per $12,000 in loan funds; Change the application requirements in paragraph 7 to require applicants to provide criminal histories; three years of tax returns; a statement of credit card debt; a 12 month cash flow projection; PDAC approval; and, for newer businesses, to prove participation in the TVCC Bizcenter business planning program, or equivalent; Invite loan applicants to attend at least one Loan Committee meeting and encourage their other lenders to attend as well; Require Loan Committee members to declare conflicts of interest; and Change the loan terms in paragraph 11 to lower the floor for BLF loans from $15,000 to $10,000 and the length of the loan from 15 years to 10 years; raise the interest rate on loans from 2% under the prime rate to 3% over the prime rate, with a minimum rate of 6%; require the applicant and other principals in the business to sign personal guaranties; change the maximum percent of the BLF loan from 33.33% to 20% for any project, and require applicants to provide at least 10% of the other funding; eliminate inventory as collateral for valuation purposes; tighten the language of loan subordinations; lower the value of equipment and other personal property when evaluating collateral; and specify that the City will perfect its collateral by filings with the Secretary of State or the County Clerk.

Resolution #2010-102 was intended to replace and supersede all prior BLF resolutions, as stated in paragraph one (1) of the resolution. This would have no impact on BLF loans that were already approved by the City. Those loans would remain subject to the loan agreements, security agreements, promissory notes and other instruments that were executed when those loans were approved.

Ron Verini moved, seconded by Charlotte Fugate, that the Council adopt Resolution #2010-102, A RESOLUTION CONTINUING THE BUSINESS LOAN FUND PROGRAM AND REVISING LOAN CRITERIA AND PROCEDURES. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolutions #2010-103 and #2010-104: Contract Award for Sodium Hypochlorite Generators and Transfer Funding from Water Contingency to Fund the Replacement Hypochlorite System at the Water Treatment Plant

Bob Walker, Deputy Public Works Director, stated he was seeking Council approval to award the bid for the replacement of the sodium hypochlorite generator system at the Water Treatment Plant; to award the bid for the new sodium hypochlorite generator system at the Wastewater Treatment Plant, which was approved under SEW-10 in the 2009-2011 Budget; and to consider the award of the sodium hypochlorite generator system at the Aquatic Center. Funding needed to be transferred from Water Contingency to a capital project fund for the system at the Water Treatment Plant, which would be under proposed Resolution #2010-104.

Mr. Walker had discussed the failure of the single electrolytic cell sodium hypochlorite generator system at the Water Treatment Plant at the Council Workshop on December 3, 2009. A proposed multi-cell sodium hypochlorite generator system was presented to the Council and the benefits of this system were discussed. The Council recommended that staff determine if there were any suppliers of the multi-cell system and, if so, request bids for a multi-cell sodium hypochlorite generator system.

The 500-pound per day (PPD) single cell sodium hypochlorite generator system at the Water Treatment Plant failed on October 12, 2009. The supplier of this unit was MIOX Corporation. This unit had failed five (5) times since it was placed in operation in the spring of 2006. The unit still had a partial warranty that would result in a cost of $37,000 to the City of Ontario for a replacement unit. Due to past problems, it was not recommended to utilize this existing technology without purchasing a spare unit at an additional cost of $60,000 that would result in an overall cost of $97,000 to replace what currently existed at the Water Treatment Plant. MIOX suggested utilizing their upgraded sodium hypochlorite generator system at a cost of $83,500 rather than replace the existing unit; however, that was still a single cell system and would have similar maintenance concerns as the existing unit. Since the system had been down, staff had to truck sodium hypochlorite to the Water Treatment Plant, at an approximate cost of $15,300 to date. Overall, since the MIOX system had been in operation, the City of Ontario had spent approximately $34,000 for trucking sodium hypochlorite to the Water Treatment Plant.

Many of the new sodium hypochlorite systems being installed were of the multiple cell type. If staff utilized the multiple cell technology at the Water Treatment Plant, it would require a unit with six (6) cells. Such a system was much more flexible and if one cell failed, the system would continue to operate on the remaining five cells. Also, the MicrOclor system could have a replacement cell shipped overnight. Staff recommended the existing unit be replaced with the multiple cell technology.

A new sodium hypochlorite generator system was proposed for the Wastewater Treatment Plant in the 2009-2011 Budget at a cost of $120,000. If staff utilized the multiple cell system at the Wastewater Treatment Plant, it would require three cells, and it would be a big advantage to have the same system at both treatment plants.

At the present time, sodium hypochlorite was being trucked from the Water Treatment Plant to the Aquatic Center. The system for the Aquatic Center would only require a single cell. A sodium hypochlorite unit for the Aquatic Center was included in the RFP for pricing purposes only.

The alternative to the proposed multiple cell sodium hypochlorite system at the Water Treatment Plant was to replace the existing unit with the same technology for $37,000; however, that option was not practical based on past maintenance history.

The system at the Wastewater Treatment Plant would be covered under the 2009-2011 Budget. The system at the Water Treatment Plant would be paid for from Fund 105 - Water Fund Contingency -, which had a current balance of $1,153,900.

Mayor Dominick questioned the warranty on the unit?

Mr. Walker stated he believed it was a three (3) year full warranty, with years four (4) through seven (7) being prorated.

Councilor Sullivan verified that staff would continue to salvage the old MIOX unit?

Mr. Walker stated the City Attorney had submitted a letter to the MIOX Corporation, requesting a reimbursement to the City for the amount of warranty still remaining on the unit, which was approximately $13,880.

John Gaskill moved, seconded by Susann Mills, that the Council adopt Resolution #2010-103, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PROCESS SOLUTIONS, INC., FOR SCHEDULE A IN THE AMOUNT OF $119,000 AND SCHEDULE B IN THE AMOUNT OF $76,000 FOR THE INSTALLATION OF SODIUM HYPOCHLORITE GENERATORS AT THE WATER TREATMENT PLANT AND THE WASTEWATER TREATMENT PLANT RESPECTIVELY. EXECUTION OF THE CONTRACT WILL NOT OCCUR UNTIL CONTRACTOR HAS FULFILLED ALL THE REQUIREMENS AS LISTED IN THE BID PROPOSAL; Further, it is moved that the Council adopt Resolution #2010-104, A RESOLUTION AUTHORIZING THE USAGE OF WATER CONTINGENCY FUNDS FOR THE PURCHASE OF THE SODIUM HYPOCHLORITE GENERATOR AT THE WATER TREATMENT PLANT. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Henry Lawrence proposed a Council work shop on Thursday, February 4th, to hear a presentation by Waldo Insurance to introduce some insurance options.
- Councilor Verini reminded everyone of the Nation Suicide Hotline, which could be reached at 800-273-8255. Military personnel would call the same number, but would be prompted to select #1 to speak to an individual dealing specifically with military issues.
- Mayor Dominick commented on the ad running in the newspaper for vacancies on the City's boards and committees. Anyone interested should contact the City Recorder.
- Mayor Dominick reminded the Council of the meeting in Nyssa at their City Hall on January 21st at 11:00 a.m.; he stated the Council had been invited to attend the Eastern Oregon Council on Independent Living at 12:00 on Friday; and Representative Greg Walden would be in town on the 23rd at 9:00 a.m.

ADJOURN

John Gaskill moved, seconded by Charlotte Fugate, that the meeting be adjourned. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, MMC, City Recorder

Consent AGENDA REPORT

February 1, 2010

TO: Mayor and City Council

FROM: Mark Alexander, Police Captain

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION NO 2010-107, RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR A BIKE SAFETY PROGRAM WITHIN THE GRANT FUND**

DATE: January 25, 2010

SUMMARY:

Attached is the following document:

- Resolution 2010-107

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The Oregon Department of Transportation has awarded a $1,700 mini-grant to purchase materials for a bike safety educational program. The grant has been awarded to the Police Department on behalf of the Malheur County Traffic Safety Commission. The Malheur County Traffic Safety Coordinator will manage the grant.

The Malheur County Traffic Safety Coordinator will purchase supplies, which will be distributed to kids under the age of sixteen throughout Malheur County by law enforcement.

ALTERNATIVE:

The Council could decline the Police Department's offer to accept the grant and have another entity do so.

FINANCIAL IMPLICATIONS:

The receipt of the grant revenue and expenditures for supplies will go through the Grant Fund in the amount of $1,700.

RECOMMENDATION:
Staff recommends the Council adopt Resolution 2010-107, a resolution acknowledging receipt of ODOT traffic funds and appropriating expenditures for a bike safety program and bike helmets within the Grant Fund.

PROPOSED MOTION:
I move that the Council adopt Resolution 2010-107, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR A BIKE SAFETY PROGRAM WITHIN THE GRANT FUND.

RESOLUTION No. 2010-107
A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR A BIKE SAFETY PROGRAM AND BIKE HELMETS WITHIN THE GRANT FUND

WHEREAS, the 2009-2011 Biennial Budget was adopted without the knowledge of funding for a bicycle safety project; and

WHEREAS, the Oregon Department of Transportation awarded a grant to purchase bike safety supplies; and

WHEREAS, the City desires to modify the 2009-2011 Budget, acknowledging new revenue of $1,700 and appropriating expenditures within the Grant Fund to complete the project.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2009-2011 budget:

Line Item	Item Description	FY 09-11 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
Revenue				
010-000-456187	ODOT Bike Safety Equip Grant	$ 0	$ 1,700	$ 1,700
Expenses				
010-038-714187	ODOT Bike Safety Equip Grant	$ 0	$ 1,700	$ 1,700

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of February, 2010.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of February, 2010.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, City Recorder

CONSENT AGENDA REPORT

February 1, 2010

TO: Mayor and City Council

FROM: Mark Alexander, Police Captain

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION NO. 2010-108 A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND**

DATE: January 25, 2010

SUMMARY:

Attached is the following document:

- Resolution 2010-108

BACKGROUND:

Oregon crash data shows Malheur County had 34 traffic fatalities from 2003 to 2006. From those, 76% were speed-related crashes. Speeding is one of the most common traffic related complaints the police department receives.

The Oregon Department of Transportation offers grants for the purchase of speed enforcement equipment. The Police Department applied for a grant to purchase this equipment. The Oregon Department of Transportation has awarded a grant in the amount of $5,000 to purchase radar equipment.

ALTERNATIVE:

The Council could decline the grant award.

FINANCIAL IMPLICATIONS:

Grant revenues and expenditures would be budgeted within the City's Grant Fund. No match is required.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2010-108, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND.

PROPOSED MOTION:

I move that the Council adopt Resolution 2010-108, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND.

RESOLUTION NO. 2010-108
A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND

WHEREAS, the 2009-2011 Biennial Budget was adopted without the knowledge of funding for a speed enforcement grant; and

WHEREAS, the City was awarded an Oregon Department of Transportation grant thru its Police Department for the purchase of speed enforcement equipment; and

WHEREAS, the City desires to modify the 2009-2011 Budget, acknowledging new grant revenue of $5,000 and appropriating expenditures within the Grant Fund to complete the project.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the 2009-2011 Biennial Budget:

Line Item	Item Description	FY 09-11 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
Revenue				
010-000-456184	Police Speed Enforcement Grant	$0	$5,000	$5,000
Expenses				
010-038-714184	Police Speed Enforcement Equip	$0	$5,000	$5,000

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of February 2010.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of February 2010.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, City Recorder

AGENDA REPORT

February 1, 2010

TO: Honorable Mayor and City Council Members

THRU: Henry Lawrence, City Manager

FROM: Sgt. Dave Walters

SUBJECT: RESOLUTION #2010-105: DECLARATION OF SURPLUS PROPERTY

DATE: January 14, 2010

SUMMARY:

Attached are the following documents:

- Resolution #2010-105
- List of 50 guns to be declared surplus

BACKGROUND:

The Ontario Police Department often takes possession of guns. Many times the guns have been used in crimes and the courts forfeit them to the department. Other times someone may find an abandoned gun and leave it with us for safe keeping, and sometimes citizens simply give us guns that they do not want.

In years past we have used these guns to trade with reputable, licensed gun dealers for equipment that can be used by the department. We now find ourselves with enough surplus guns to purchase needed equipment for the Ontario Police Patrol Division.

Legal notice will be placed in the Argus Observer advising of this resolution and inviting anyone with a claim for a firearm to contact the police department. In addition to the legal notice, the notice of surplus property will be placed in 3 separate public places for 30 days.

FINANCIAL IMPLICATIONS:

The combined value of the 50 Surplus Weapons, have an approximate value of $3,000.

ALTERNATIVE:

The Council could choose not to adopt this resolution.

RECOMMENDATION:
The Police Department recommends that the Council adopt Resolution #2010-105.

PROPOSED MOTION:
I move that the Council adopt Resolution #2010-105, A RESOLUTION DECLARING THE ATTACHED LIST OF FIREARMS AS SURPLUS PROPERTY, AND FURTHER AUTHORIZING THE POLICE DEPARTMENT TO USE THOSE SURPLUS FIREARMS IN A TRADE WITH A LICENSED FIREARMS DEALER TO OBTAIN EQUIPMENT FOR THE DEPARTMENT.

RESOLUTION # 2010-105

DECLARING THE ATTACHED LIST OF FIREARMS AS SURPLUS PROPERTY; AND FURTHER AUTHORIZING THE POLICE DEPARTMENT TO USE THOSE SURPLUS FIREARMS IN A TRADE WITH A LICENSED FIREARMS DEALER TO OBTAIN EQUIPMENT FOR THE DEPARTMENT

WHEREAS, the Ontario Police Department seizes firearms involved in crimes, maintains firearms that have been abandoned, and disposes of unwanted firearms; and

WHEREAS, the Ontario Police Department has established contacts with licensed, reputable firearm dealers who will trade these types of firearms for new equipment with the department can use toward the accomplishment of its mission; and

WHEREAS, the guns in question must be declared surplus by the Council of the City of Ontario in order for the police department to properly dispose of them.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Ontario:

Declare the attached list of firearms to be surplus property and authorize the police department to trade those guns to a firearms dealer in return for new equipment for the police department.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this _____ day of _____, 2010.

Ayes:

Nays:

Absent:

APPROVED by the Mayor this _____ day of_____, 2010.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, MMC, City Recorder

Hand Gun list

Make	Model	Caliber	Serial Number
Ruger	GP100 revolver.	357 stainless	173-32792
Hi-Point	semi	.45	326921
Taurus	PT140 Mellenium	.40 semi	STH56080
Beretta	8000 mini cougar	9mm semi	046750MC
CZ	83 browning	9mm semi	A5631
S&W	4586	.45 semi	VBT2368
EAA	revolver	.38 special	1542105
Beretta	semi	9mm	BER4581182
High Standard	The plinker	.22LR semi	2415905
Sterling Arms	Mark II	.380 semi	B59383
H&R	929 Side Kick	.22LR revolver	T50855
S&W	Revolver	.38 special	ANN4898
High Standard	Sport King	.22 LR semi	340429
Iver Johnson	Revolver	.32	39819
Lorcin	L380	.380 semi	483942
Stallard Arms	JS maverick	9mm semi	015959
High Point	C-9	9mm semi	P1334168
Phoenix Arms	HP22A	.22LR semi	4252784
Rossi/Taurus	Revolver	.357	SD698209
High Standard	PM-101	.22LR derringer	2252210
Bersa	Thunder	.380 semi	792967
Beretta	21A	.22LR semi	BCS282610
Baue Automatic	semi	.25 cal	NONE
Stallard Arms	JS	9mm semi	094376
Rossi	M971	.357 revolver	F128227
Ruger	semi	.22LR	10-19192
Raven	semi	.22LR	552770
Norinco	semi	.45 ACP	401815

Long Gun list.

Make	Model	Caliber	Serial Number
Hesse	H91	7.62/.308 semi	G003289
Remington	597	.22LR semi	2617430
Savage	65M	.22LR bolt	C768506
????	????	Old Military bolt	L6697
Ithica Gun Co.	M66	12 Ga. single	660790308
Marlin	995	.22LR semi	15350343
Mas	1936	??? bolt	P49468
Winchester	70	.243 bolt w/scope	G1334844
????	???	??? bolt	none
Mossberg	385T	20 Ga. Bolt	682745
Remington	1100	20 Ga. semi	N4 15462K
Remington	Woodmaster 742	30.06 semi w/scope	64926
Squires bingham	16	.22LR semi	1002074
Marlin	336C3	30.30 lever	17152920
Savage	110	30.06 bolt w/scope	F053898
FN	Old military style	??? semi	7633
Remington	870 express mag	12 Ga. pump	B972830M
Berreta	Silver pigeon	12 Ga. pump	011499
New England	Pardner	20 Ga. single	NK250013
Remington	870 Express	12 Ga. pump	removed.
Ruger	10-22	.22LR semi	117-53476
Noble	50	12 Ga. pump	removed

AGENDA REPORT
February 1, 2010

TO: Mayor and City Council

FROM: Bob Walker, Deputy Public Works Director

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION #2010-106: A RESOLUTION AUTHORIZING A CARRY-FORWARD OF PROJECT EXPENDITURES WITHIN THE RESERVE FUND, PUBLIC WORKS DEPARTMENT, FOR CAPITAL IMPROVEMENT PROJECTS WAT-2 AND WAT-3**

DATE: January 25, 2010

SUMMARY:
Attached is the following document:

- Resolution #2010-106

PREVIOUS COUNCIL ACTION:
Dec 3 2009 Bob Walker, Deputy Public Works Director, spoke to the City Council, and discussed the financial need to increase the available cash on hand and project budgets for WAT-2 and WAT-3 in the 2009-2011 Biennial Budget.

BACKGROUND:
Two well rehabilitation projects were approved in the 2007-2009 Biennial Budget; inspection and rehabilitation of Wells #1 and #2, and inspection and rehabilitation of Wells #4 and #6. The 2009-2011 Biennial Budget included capital project carry-forward budgets based on estimated project completion schedules. Projects were renamed during the budget process and in some instances redefined.

2009-2011 Project WAT-2 New Well #15
After TV inspection of Wells #1 and #2 was completed in 2009, it was determined that rehabilitation would be questionable due to the condition of the casings. Consequently, a 6-inch pilot hole was drilled in the vicinity of Wells #1 and #2 during the spring of 2009 in order to properly design a new production well.

Public Works Staff projected a budget carry-forward for the remainder of the project in the amount of $40,000 in the 2009-2011 Biennial Budget to complete the project. This was done based on the assumption that $60,000 of the $100,000 project would be expended by June 30, 2009. That was not the case; only $16,292 of the original $100,000 project budget was actually expended within the 2007-2009 Biennial Budget period.

Based upon the testing of the pilot well, a new well (#15) was designed, and construction began in late September of 2009. It is necessary for the remaining project funds that were not carried forward to the 2009-2011 Biennial Budget, $43,708, be identified within the Reserve Fund Available Cash and appropriated to complete the project, WAT-2 New Well #15. This would put the full project budget ($100,000 less the $16,292 expended less the $40,000 already budgeted as carry-forward) back into the 2009-2011 Biennial Budget as originally approved.

2009-2011 Project WAT-3 Well #4 and #6 Inspections

The rehabilitation of Wells #4 and #6 remained unchanged in the 2007-2009 Biennial Budget, with only $1,428 of the $60,000 project budget being expended by June 30, 2009.

Public Works Staff projected a budget carry-forward for the remainder of the Wells #4 and #6 project in the amount of $20,000 in the 2009-2011 Biennial Budget to complete well inspections. This was done based on the assumption that $40,000 of the $60,000 project would be expended by June 30, 2009. That was not the case; only $1,428 of the original $60,000 project budget was actually expended within the 2007-2009 Biennial Budget period.

Based upon the work completed for Wells #15 and #16, Staff believes that this project funding would better serve the City if utilized for the rehabilitation of Wells #1 and #2 to use as additional water sources immediately adjacent to the new Wells #15 and #16. To accomplish this, it is necessary for the remaining project funds that were not carried forward to the 2009-2011 Biennial Budget for what was originally the Well #4 and #6 Project, $38,572, be identified within the Reserve Fund Available Cash and appropriated to complete the project, WAT-3 Well #1 and #2 Rehabilitation. This would put the full project budget ($60,000 less the $1,428 expended less the $20,000 already budgeted as carry-forward) back into the 2009-2011 Biennial Budget as originally approved.

2009-2011 Project WAT-4 New Well #16

The 2009-2011 Biennial Budget included an additional well (#16), with a budget of $110,000. Well #16 was to be located in the vicinity of Well #15. No changes to this project budget are requested.

To date, Wells #15 and #16 have been drilled, test pumped, and the submersible pumps have been installed. All that remains for these two projects to be completed is the installation of the piping to inter-tie to the treatment plant; the installation of the required flush piping; the installation of the required power cables and SCADA equipment; and the installation of the existing buildings over both wells.

The recommended changes to the budget would result in Wells #4 and #6 not being completed during the 2009-2011 Biennium as they are located on the opposite side of the Water Treatment Plant facility. It is proposed that the 2009-2011 Biennial Budget include projects that can be completed within the same vicinity, namely Wells #1, #2, #15 and #16.

FINANCIAL IMPLICATIONS:

In order to complete the new Well #15, the Available Cash and the Project WAT-2 expense need to be increased by $43,708.

Original Project Budget	Expended FY 2007-2009	Re-budgeted as Carry-Forward for FY 2009-11	Project Balance to be Added to the Budget
$ 100,000	$ 16,292	$ 40,000	$ 43,708

In order to complete the rehabilitation of Wells #1 and #2, the Available Cash and the Project WAT-3 expense need to be increased by $38,572.

Original Project Budget	Expended FY 2007-2009	Re-budgeted as Carry-Forward for FY 2009-11	Project Balance to be Added to the Budget
$ 60,000	$ 1,428	$ 20,000	$ 38,572

In both cases, the difference between the anticipated project expenditures and the actual project expenditures is not identified within the 2009-2011 Biennial Budget in its current form. This difference represents an increase in available cash within the Reserve Fund, Public Works Department.

This Budget adjustment will result in an increase in Reserve Fund, Public Works Available Cash, a resource, and an increase in capital project expenditures within the Reserve Fund, Public Works Reserve Department for the remaining project amounts for projects WAT-2 and WAT-3.

The proposed changes do not affect Reserve Fund contingency amounts.

STAFF RECOMMENDATION:

Staff recommends the Council adopt Resolution No 2010-106, authorizing the increase in the Reserve Fund, Public Works Available Cash (carry-forward), and increasing the project budgets for WAT-2 and WAT-3 to complete the described well projects at the Water Treatment Plant site.

PROPOSED MOTION:

I move that the City Council adopt Resolution No. 2010-106, A RESOLUTION AUTHORIZING A CARRY-FORWARD OF PROJECT EXPENDITURES WITHIN THE RESERVE FUND, PUBLIC WORKS DEPARTMENT, FOR CAPITAL IMPROVEMENT PROJECTS WAT-2 AND WAT-3.

RESOLUTION 2010-106

A RESOLUTION AUTHORIZING A CARRY-FORWARD OF PROJECT EXPENDITURES WITHIN THE RESERVE FUND, PUBLIC WORKS DEPARTMENT, FOR CAPITAL IMPROVEMENT PROJECTS WAT-2 AND WAT-3

WHEREAS, the City of Ontario adopted the 2009-2011 Biennial Budget document with the understanding that the Capital Improvement Projects WAT-2, New Well #15, and WAT-3, Well #4 and #6 Inspections, would be partially completed; and

WHEREAS, these projects had only minimal expenditures by the close of the 2007-2009 Biennial Budget period, and the carry-forward project budgets are not sufficient to complete the projects during the 2009-2011 Biennium; and

WHEREAS, the WAT-2 new Well #15 project has now begun, and it is necessary to adjust the project carry-forward budget in order to appropriate the required project budget to complete the project; and

WHEREAS, the WAT-3 Inspection of Well #4 and #6 project budget should be modified to complete the Rehabilitation of Well #1 and #2, rather than Well #4 and #6, and it is necessary to adjust the project carry-forward budget in order to appropriate the required project budget to complete the project; and

WHEREAS, the City of Ontario desires to modify the 2009-2011 Reserve Fund, Public Works Department Available Cash on Hand revenue and the capital expenditure budgets to reinstate the entire project budget to complete both WAT-2 and WAT-3 as described.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council, to approve the following adjustments to the 2009-2011 Biennial budget:

Account Number	Account Name	Adopted FY 09-11 Budget	Proposed Change	Revised FY 09-11 Budget
PUBLIC WORKS RESERVE FUND				
Revenues				
055-000-406140	AVAILABLE CASH-PW RESERVE	$ 2,120,580.00	$ 43,708.00	$ 2,164,288.00
055-000-406140	AVAILABLE CASH-PW RESERVE	$ 2,164,288.00	$ 38,572.00	$ 2,202,860.00
Expenses				
055-140-719110	% WAT-2 New Well #15	$ -	$ 43,708.00	$ 43,708.00
055-140-719115	% WAT-3 REHAB WELLS 1 & 2	$ -	$ 38,572.00	$ 38,572.00

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council, this ____ day of _____ 2010, by the following vote:

Ayes:

Nays:

Absent:

APPROVED BY THE Mayor this _____ day of _____ 2010.

ATTEST:

_____

Joe Dominick, Mayor

_____

Tori Barnett, City Recorder

AGENDA REPORT

February 1, 2010

TO: Honorable Mayor and City Council Members

THRU: Henry Lawrence, City Manager

FROM: Chief Mike Kee

SUBJECT: RESOLUTION NO 2010-109, A RESOLUTION ACKNOWLEDGING RECEIPT AND AUTHORIZING EXPENDITURE OF A $19,960 PETSMART CHARITIES GRANT WITHIN THE GRANT FUND

DATE: January 26, 2010

SUMMARY:

Attached is the following document:

- Resolution No 2010-109

PREVIOUS COUNCIL ACTION:

Discussed the fact that a grant application had been submitted.

BACKGROUND:

Elizabeth Lyon, on behalf of the Ontario Feral Cat Trap-Neuter-Return Project, applied for a grant for funds to expand the program.

On January 25, 2010 Elizabeth and I were notified that the grant had been approved in the amount of $19,960 over the course of two years.

The Grant Funds shall be used solely for the following:

- Year 1, a total of $9,980.00
  - $7,875.00 for the spay/neuter of 162 free-roaming cats at an average cost of $48.61; $555.00 for 8 traps at an average cost of $69.33; and $1,550.00 for materials for 62 winter shelters at an average cost of $25.00.
- Year 2, a total of $9,980.00
  - $7,875.00 for the spay/neuter of approximately 162 free-roaming cats at an average cost of $48.61; $555.00 for 8 traps at an average cost of $69.33; and $1,550.00 for materials for 62 winter shelters at an average cost of $25.00.

The organization feels confident that they have the necessary infrastructure to expand the current program and expend not only the $10,000 originally budgeted, but also the annual $9,980 that has become available from PetSmart Charities.

FINANCIAL IMPLICATIONS:

There will be no additional costs to the City. The proposed Resolution 2010-109 identifies new grant revenue and like expenses within the Grant Fund to complete the two-year project.

ALTERNATIVE:
The Council could choose not to authorize the acceptance of this grant.

RECOMMENDATION:
Staff recommends that the Council adopt Resolution No. 2010-109, authorizing acceptance of the grant and appropriating the revenues and expenses to complete the project within the 2009-2011 Biennial Budget.

PROPOSED MOTION:
I move that the Council adopt Resolution No. 2010-109, **A RESOLUTION ACKNOWLEDGING RECEIPT AND AUTHORIZING EXPENDITURE OF A $19,960 PETSMART CHARITIES GRANT WITHIN THE GRANT FUND.**

RESOLUTION NO 2010-109

A RESOLUTION ACKNOWLEDGING RECEIPT AND AUTHORIZING EXPENDITURE OF A $19,960 PETSMART CHARITIES GRANT WITHIN THE GRANT FUND

WHEREAS, the 2009-2011 Biennial Budget was adopted without the knowledge of funding for a PetSmart Charities grant; and

WHEREAS, the City was awarded a PetSmart Charities grant thru its Police Department for the expansion of the City's Feral Cat project; and

WHEREAS, the City desires to modify the 2009-2011 Budget, acknowledging new grant revenue of $19,960 and appropriating expenditures within the Grant Fund to complete the project.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the 2009-2011 Biennial Budget:

Line Item	Item Description	FY 09-11 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
Revenue				
010-000-456510	PetSmart Feral Cat Grant Rev	$ 0	$ 19,960	$ 19,960
Expenses				
010-038-613510	PetSmart Feral Cat Grant Exp	$ 0	$ 19,960	$ 19,960

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of _____ 2010.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of _____ 2010.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, City Recorder

PETSMART Charities

GRANT CONTRACT AGREEMENT

THIS GRANT AGREEMENT (the "Agreement") is effective this 15th day of January 2010, by and between PetSmart Charities, Inc. a 501(c)(3) company, whose place of business and address is 19601 N. 27th Avenue, Phoenix, AZ 85027 ("PetSmart Charities"), and, **Ontario City (Feral Cat Trap-Neuter-Return Project)** ("Organization") whose address is 444 SW 4th Street, Ontario, OR 97914. Upon a fully executed version of this Agreement, PetSmart Charities shall award the Organization a grant in the amount of **$19,960.00 over two years, with $9,980.00 in year one and $9,980.00 in year two, contingent upon meeting the terms and conditions in the Grant Agreement.** The Grant Funds shall be used solely for: In year one, a total of $9,980.00 as follows: $7,875.00 for the spay/neuter of 162 free-roaming cats at an average cost of $48.61, $555.00 for 8 traps at an average cost of $69.33, and $1,550.00 for materials for 62 winter shelters at an average cost of $25.00; in year two, a total of $9,980.00 as follows: $7,875.00 for the spay/neuter of approximately 162 free-roaming cats at an average cost of $48.61, $555.00 for 8 traps at an average cost of $69.33, and $1,550.00 for materials for 62 winter shelters at an average cost of $25.00 (the "Grant").

This Grant is subject to **the reporting requirements and other conditions set forth in Exhibit A to this Agreement, which is hereby incorporated by reference and the following conditions:**

1. The Organization will use the Grant Funds only for the purposes summarized above. In the event that the Organization cannot use the Grant Funds for the purposes described within 12 months the Organization must notify PetSmart Charities immediately. The Organization will use the Grant Funds only for charitable purposes. If PetSmart Charities determines at any time that any of the Grant Funds have been used for any purpose other than those summarized above; remain inappropriately unused by the Organization, relative to the expected time table; are not used in accordance with the terms and conditions of this Agreement; the Organization is involved in any investigation or engaged in any action that appears to be unprofessional, uncharitable, or inappropriate; or in PetSmart Charities' discretion, any such action or inaction that does not uphold the spirit of the grant, then PetSmart Charities may unilaterally change the terms of this grant and take such actions as PetSmart Charities deems appropriate to ensure the proper use of the Grant Funds These actions may include, in the sole discretion of PetSmart Charities, the total revocation of the Grant and the immediate return of all Grant Funds.

2. PetSmart Charities makes the Grant on the condition that the Organization is and continues to be a city/county/state/tribal government entity. The Organization must notify PetSmart Charities immediately if: the Organization's tax-exempt status is withdrawn effective as of any date within two years of the date of this Agreement, or (b) if the Organization ceases operations effective as of any date within two years of the date of this Agreement. If the Organization's tax status changes, PetSmart Charities may change the terms of the Grant, including revoking the Grant and requiring a full refund of the Grant Funds to PetSmart Charities.

3. No part of the Grant Funds shall be used for lobbying or political activities.

4. By **13** months from the date of this Agreement, the Organization will provide to PetSmart Charities a narrative written response to the enclosed evaluation questions on the Grant Follow-up Report and provide sufficient supporting backup and financial documentation detailing the use of the Grant Funds as outlined in the expenditure report. Additional grant funds will not be awarded until all requirements of this paragraph have been met as defined above.

5. PetSmart Charities may release information concerning the Grant in such ways as it deems appropriate. If the Organization is interested in publicizing the Grant and its efforts in helping homeless pets in the local media, please contact the PetSmart Charities' Communication Manager at: (623) 587-2872. All media materials (e.g. press releases, annual reports, newsletters, invitations, etc.) mentioning PetSmart Charities must be reviewed and pre-approved by PetSmart Charities. Failure to comply herewith will result in PetSmart Charities' immediate right to seek reimbursement from the Organization for the full amount of the Grant.

   The Organization shall obtain the prior written consent from PetSmart Charities prior to granting any entity or individual with any publicity or sponsorship rights in connection with this Grant.

   Should the Organization wish to use the PetSmart Charities' name for any type of recognition, including donor walls or any other permanent fixtures, it may not do so without PetSmart Charities' written consent and provided that it uses PetSmart Charities' official logo and is done so in a favorable light for PetSmart Charities.

   The Organization hereby authorizes PetSmart Charities to use the Organization's name, logo, and photographs or other representation of the Organization's facilities and activities in its annual report and other PetSmart Charities' publications. The Organization waives any rights to inspect or approve of such annual report or other such publications. The Organization agrees to obtain for PetSmart Charities the written release of any individuals (for themselves and/or their pets) in such photographs in an appropriate form provided by PetSmart Charities.

6. PetSmart Charities may request at any time that the Organization produce a written report, in a form reasonably satisfactory to PetSmart Charities, detailing the Grant Funds expenditure and progress of the programs to date. The Organization will submit the written report to PetSmart Charities no later than five (5) days after the date of PetSmart Charities' written request. Additionally, upon written notice and during normal business hours, PetSmart Charities may audit the records of the Organization as they pertain to the Grant, Grant Funds or terms and conditions of this Agreement. The Organization will permit the audit no later than five (5) days after the date of PetSmart Charities' notice. If the report or audit reveals that: (i) the Grant Funds have not been used for the Grant, (ii) the Grant Funds remain inappropriately unused by the Organization, relative to the expected time table or (iii) the Grant Funds are not used in accordance with the terms and conditions of this agreement, then PetSmart Charities may, at its sole option, unilaterally change the terms of the Grant and the Organization may be required to immediately return to PetSmart Charities all Grant Funds.

Please indicate, as an authorized representative of the Organization, the Organization's agreement with the conditions of the Grant by signing the bottom of this Agreement and returning it to PetSmart Charities within 45 days of the date of this Agreement, by facsimile, U.S. Mail or hand delivery. Upon PetSmart Charities' receipt of this original signed Agreement and PetSmart Charities' acceptance by signature of this Agreement, a check will be issued to the Organization as well as a copy of this fully executed Agreement.

This Agreement will be null and void if not executed and returned to PetSmart Charities after 45 days from the date of this Agreement.

WE HAVE REVIEWED AND AGREE TO THE ABOVE TERMS AND CONDITIONS:

By:_____
(Signature)

By:_____
(Print Name)

_____
Title (Officer in **Ontario City (Feral Cat Trap-Neuter-Return Project)**)

_____
Date

_____
PetSmart Charities

_____
Date

Please make a copy of this document for your records and mail this signed original to:

PetSmart Charities
Attn: GRANTS
19601 North 27th Avenue
Phoenix, AZ 85027

Exhibit A
Ontario City (Feral Cat Trap-Neuter-Return Project) (the "Organization")

Target area and/or population:	The approximately 324 free-roaming cats spay/neutered as part of the Grant will be exclusively from city of Ontario, OR. At least 162 of these surgeries will occur within 12 months of the date the Grant is paid.
Project reporting requirements – narrative:	By November 1, 2010, the Organization will provide to PetSmart Charities via email to freeroaming@petsmartcharities.org a written narrative report on the project's progress to date, in the form determined by PetSmart Charities. By March 1, 2012, the Organization will provide to PetSmart Charities via mail a final report, in the form determined by PetSmart Charities, on the results and impact of the project.
Project reporting requirements – statistical:	By March 1, 2010, the Organization will provide to PetSmart Charities via email to freeroaming@petsmartcharities.org a report reflecting the following pre-project data: • Any available data on populations of feral cat colonies currently being tracked by the Organization in Ontario City, OR, excluding colony location and caretaker identities. By November 1, 2010, the Organization will provide to PetSmart Charities via email to freeroaming@petsmartcharities.org a report reflecting the following updated data for January 1, 2010 through September 30, 2010: • The populations of feral cat colonies spay/neutered as part of the Grant, including (a) the number of cats and kittens present in the colony on the day trapping began for purposes of implementing TNR, (b) the number of cats and kittens present in the colony at the completion of the grant project, (c) the number of cats and kittens removed from colonies for purposes of adoptive placement during the grant project, and (d) the number of kittens born in the colony. • The number of free-roaming cat surgeries performed to date as part of the Grant, broken down by the number of (1) neuters, (2) spays, (3) in heat and (4) pregnant. By March 1, 2012 and March 1, 2013, the Organization will provide to PetSmart Charities via mail the following post-project data for 2010, 2011 and 2012: • The populations of feral cat colonies spay/neutered as part of the Grant, including (a) the number of cats and kittens present in the colony on the day trapping began for purposes of implementing TNR, (b) the number of cats and kittens present in the colony at the completion of the grant project, (c) the number of cats and kittens removed from colonies for purposes of adoptive placement during the grant project, and (d) the number of kittens born in the colony.

	• The number of free-roaming cat surgeries performed to date as part of the Grant, broken down by the number of (1) neuters, (2) spays, (3) in heat and (4) pregnant.
Financial reporting requirements:	By November 1, 2010, the Organization will provide to PetSmart Charities via email to freeroaming@petsmartcharities.org a report reflecting the following updated financial information: • A detailed report on the expenditure of Grant Funds to date, including receipts. • A detailed report on the total income and expenses for the project funded by the Grant. • A budget for the project's second year. • Updated audit (upon request). • Updated 990 (upon request & where applicable). • For a completed fiscal year for which the audit or 990 have not been completed, an unaudited actual statement of activities (income and expenses) and balance sheet. By March 1, 2012, the Organization will provide to PetSmart Charities via mail the following updated financial information: • A detailed report on the expenditure of Grant Funds to date, including receipts. • A detailed report on the total income and expenses for the project funded by the Grant.
Mentoring:	The Organization agrees to participate in telephone conferences regarding the grant project with any person designated by PetSmart Charities, a minimum of once per month until completion of the project.
Grant installments:	The payment of the second Grant installment identified in the Grant Contract Agreement is contingent upon: (a) The Organization meeting all of the terms and conditions in the Grant Contract Agreement, including the project and financial reporting requirements identified in this Exhibit A. (b) The Organization's progress on the project meets with PetSmart Charities' approval. (c) PetSmart Charities' decision, in its sole discretion, to award the funds.

From: "Elizabeth Lyon" <erlyon@q.com>
To: Mike.Kee@ontariooregon.org; erlyon@q.com
Date: 1/26/2010 5:44 PM
Subject: Letter to City Council

Dear Ontario City Council,

This letter is in support of acceptance of the Grant from PetSmart Charities for the Ontario Feral Cat TNR Project. Attached is a report detailing the activities of the Ontario Feral Cat TNR Project to date. With slight modification to our tracking program (programming time and input is donated), we can accommodate all of the reporting requirements specified in the contract from PetSmart Charities.

Project volunteers will undertake any and all grant administration requirements in cooperation with the City.

I have spoken with all the Veterinarians and they are in agreement that the additional number of cats treated is well within their capabilities. Further all are in agreement that more cats sterilized early in the program will lead to earlier and more visible results. Volunteers are available to construct the shelters, and we have been offered a discounted price on materials. Additional traps will be very welcome.

Every week we hear about more cats that need TNR. All the volunteers are very enthusiastic about the project, and we continue to build our volunteer base.

We will continue our fund-raising efforts with a goal for 2010 of at least $5,000. We hope that the City will be able to match the donations collected. Two fundraising projects are already planned for this spring.

Regards,

Elizabeth Lyon
<mailto:erlyon@q.com> erlyon@q.com
(541) 823-2427
4831 Elderberry Ln.
Ontario, OR 97914

Summary Report on the Ontario Feral Cat TNR Project

November 1, 2009 through January 25, 2010

Colony	Sex	Count	Total
West Idaho &SW 6th St.	Female	2	
	Male	6	
			8
Oregon State Police	Female	2	
	Male	4	
			6
North Oregon Transitional House	Female	1	
	Male	3	
			4
Ontario Auction	Female	1	
	Male	3	
			4
Teamsters	Female	2	
	Male	4	
			6
Economy Inn	Female	3	
	Male	1	
			4
SW2nd &SW9th	Female	5	
	Male	3	
			8
295 NW 2nd Ave.	Female	6	
	Male	2	
			8
2811 SW 4th Ave.	Female	12	
	Male	5	
			17
135 NE 4th St	Female	5	
	Male	5	
			10

Total Females	39	
Total Males	36	
Total		**75**

$55	$2,145
$35	$1,260
Spent to Date	$3,405
Average per Cat	$45.40

Kittens and Cats adopted	9
Fostered	1
Returned	61
Death from Anesthesia	1
Euthanized for Health Reasons	3
	75

Colonies identified, but not yet TNR	7
Estimate of cats in these colonies	122

January 22, 2010

Ms. Elizabeth Lyon
Ontario City (Feral Cat Trap-Neuter-Return Project)
444 SW 4th Street
Ontario, OR 97914

Dear Ms. Lyon:

PetSmart Charities Grant Committee has reviewed your recent grant application. We are happy to be able to offer your organization a grant in the amount of **$19,960.00 over two years, with $9,980.00 in year one and $9,980.00 in year two, contingent upon meeting the terms and conditions in the Grant Agreement.** Congratulations on the great work your organization has already done and we look forward to hearing about the success of your program.

Enclosed for your consideration is a Grant Agreement. The last sentence in the first paragraph of your Grant Agreement explicitly states what the grant funds are to be used for.

Before you sign the grant agreement make sure you are in agreement with the terms of the grant. Changes to the use of your grant money from those stated in the agreement are not allowed unless approved by PetSmart Charities in advance and in writing.

If the officers of the organization agree with the conditions, please have the executive director, president, CEO or equivalent authority with authorization to sign on behalf of the organization sign the agreement and return it to PetSmart Charities no later than January 28th in one of the following ways:

1. Via fax to Brenda Najera's attention at 623-580-6561. If you choose to fax the document, please e-mail Brenda to confirm its receipt. Her e-mail address is bnajera@petsmartcharities.org.
2. Via "PDF" to Brenda Najera via e-mail, at bnajera@petsmartcharities.org.

After the executed agreement has been received, reviewed and signed by a Director of PetSmart Charities, a check will be issued. You will also receive a complete media kit with your grant check. Please do not pursue media coverage about this grant until you have received and reviewed the media kit.

We look forward to hearing from you soon.

Sincerely,

Aimee StArnaud

Aimee St. Arnaud
Program Manager

cc: Bryan Kortis
Program Consultant
freeroaming@petsmartcharities.org

Enclosures

AGENDA REPORT

February 1, 2010

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Henry Lawrence, City Manager

SUBJECT: **ORDINANCE NO. 2638-2010, AN ORDINANCE REGULATING MAINTENANCE STANDARDS FOR BUILDINGS; DEFINING DANGEROUS BUILDINGS; AND REVISING PENALTIES AND PROCEDURES FOR ENFORCEMENT OF MAINTENANCE STANDARDS IN COMPLIANCE WITH SENATE BILL 915 (First Reading)**

DATE: January 25, 2010

SUMMARY:

Attached are the following documents:

- Ordinance No. 2638-2010
- Summary of Senate Bill 915
- Current Code Section 4-5-6

This ordinance is a substantial revision of Title 4, Chapter 5 of the Ontario City Code, the "Ontario Residential Maintenance Code." This ordinance expands the Chapter to set maintenance standards for all buildings in Ontario, not just residences; it authorizes the Building Inspector to regulate all dangerous buildings, not just substandard residences; and it changes the penalties and procedures for building code violations, to bring the City Code into compliance with a new state law governing the enforcement of building code violations.

DISCUSSION:

There are a number of buildings in Ontario that are in a state of disrepair. Currently the City Code does not impose maintenance standards for nonresidential buildings. Staff and the City Council have discussed expanding the scope of the City Code to allow the building inspector to take remedial action against all building owners and occupants who allow their buildings to fall into a state of disrepair. Ordinance 2638-2010 is a product of those discussions.

Ordinance 2638-2010 also addresses Senate Bill 915, which the Oregon legislature enacted in 2009, effective January 1, 2010. A summary of the bill prepared by the League of Oregon Cities is attached to this report. SB 915 restricts the penalties imposed by cities for building code violations and it requires cities to follow certain procedures in assessing penalties. The current version of City Code

Title 4, Chapter 5 does not comply with SB 915 in certain respects, which is corrected by Ordinance 2638-2010. As noted in the attached legislative summary of SB 915, the League of Oregon Cities prepared a model ordinance to deal with the requirements of SB 915. Ordinance 2638-2010 adapts the language of the model ordinance to Chapter 5.

The specific changes made by Ordinance 2638-2010 to Title 4, Chapter 5 are as follows:

- Section 4-5-1 ("Title") of the ordinance changes the title of Chapter 5 from the "Ontario Residential Maintenance Code to the "Ontario Building Maintenance Code".

- Section 4-5-2 ("Purpose") now includes residential, commercial and industrial buildings within the scope of the chapter.

- Section 4-5-3 ("Definitions") eliminates definitions for words that no longer appear in the chapter, and adds a reference to the definition of a new phrase, "Dangerous Buildings", the complete definition of which is set out in new Section 4-5-7A.

- Section 4-5-4 ("Application, alteration") expands the scope of the Chapter to apply to all buildings, structures and premises, not just those used for human habitation.

- Section 4-5-5 ("Building inspector, inspection of premises") describes the authority of the building inspector. This section is largely unchanged, except for a revision to Section 4-5-5(C) to make it conform to SB 915. The effect of this change is impose a civil penalty of up to $1,000 per day for obstructing the building inspector, rather than the fine in Section 1-4-1 of the Code, which is currently $722 for a single violation.

- Section 4-5-6 ("Dwelling unit regulations and standards") is the current Code section imposing standards on dwelling units and is unchanged. For the convenience of the City Council, this section is attached to this Agenda Report, so that the Council can compare the existing standards for dwelling units with the new standards imposed by other Code sections on all buildings in Ordinance 2638-2010, including revised Section 4-5-7 ("Responsibilities of owners and occupants") and new Section 4-5-7A ("Dangerous buildings"). Dwelling units must meet the standards of both Sections 4-5-6 and 4-5-7, as well as avoid the prohibitions in 4-5-7A applicable to dangerous buildings.

- Section 4-5-7 ("Responsibilities of owners and occupants") has been completely rewritten to apply to all buildings, including residences. For residential and nonresidential buildings, the new standards regulate the exterior of all buildings and exterior structures. Revised Section 4-5-7 does not regulate the interior of buildings except that all buildings must be maintained in a sanitary and safe condition. (Note, however, that the interior of all buildings is regulated in Section 4-5-7A if the interior of any building is in such a state of disrepair as to qualify the building as a "dangerous building").

- Section 4-5-7A ("Dangerous Buildings") is a new section defining dangerous buildings. It replaces Chapter 5's previous "Substandard Building" definition in Section 4-5-3, which was one-sentence long, lacked detail and applied only to residences. Section 4-5-7A applies to all premises in the City and sets objective standards to determine whether a building may be classified as a dangerous building. The inclusion of objective standards is intended to aid enforcement and avoid claims that the City is acting arbitrarily. The same or similar standards in this section have been adopted by a number of Oregon cities, including Beaverton and Hillsboro.

- Section 4-5-8 ("Enforcement") is a revision of the current section dealing with the enforcement of building code violations. It has been revised to bring it into compliance with SB 915, and to reflect the changes made in the other sections of Chapter 5.

- Sections 4-5-8A, 4-5-8B, 4-5-8C and 4-5-8D are based on the League of Oregon Cities' model ordinance dealing with SB 915. For instance, SB 915 requires cities to set up an administrative (nonjudicial) process for resolving violation citations and other orders by the building inspector. Currently building code violations are cited to municipal court, and the City Council is supposed to hear any appeals from a decision by the building inspector that a residence is a substandard building. Because SB 915 does not permit any court to be involved in violation hearings, Ordinance 2836-2010 provides for the city manager, rather than the municipal court, to review violation citations, and for the city manager to hear appeals from the building inspector's dangerous building designation.

- Current Code Sections 4-5-9, 4-5-10 or 4-5-11 are repealed, either because they do not comply with SB 915 or because they have been incorporated in revisions to the other sections of Chapter 5.

RECOMMENDATION:

City staff recommends the Mayor and City Council approve a first reading, by title only, of **ORDINANCE NO. 2638-2010, AN ORDINANCE REGULATING MAINTENANCE STANDARDS FOR BUILDINGS; DEFINING DANGEROUS BUILDINGS; AND REVISING PENALTIES AND PROCEDURES FOR ENFORCEMENT OF MAINTENANCE STANDARDS IN COMPLIANCE WITH SENATE BILL 915.**

PROPOSED MOTION:

"I move that the Mayor and City Council approve a first reading, by title only, of **ORDINANCE NO. 2638-2010, AN ORDINANCE REGULATING MAINTENANCE STANDARDS FOR BUILDINGS; DEFINING DANGEROUS BUILDINGS; AND REVISING PENALTIES AND PROCEDURES FOR ENFORCEMENT OF MAINTENANCE STANDARDS IN COMPLIANCE WITH SENATE BILL 915.**"

ORDINANCE NO. 2638-2010

AN ORDINANCE REGULATING MAINTENANCE STANDARDS FOR BUILDINGS; DEFINING DANGEROUS BUILDINGS; AND REVISING PENALTIES AND PROCEDURES FOR ENFORCEMENT OF MAINTENANCE STANDARDS IN COMPLIANCE WITH SENATE BILL 915

WHEREAS, Chapter 5 of Title 4 of the Ontario City Code is a Residential Maintenance Code regulating maintenance standards for residential buildings and structures; and

WHEREAS, the City Council finds that maintenance standards should also be enacted for other buildings and structures and that the Residential Maintenance Code should be expanded to apply to all buildings and structures in the City; and

WHEREAS, explicit standards should be established to authorize the City to take remedial action when the City's Building Inspector determines that a building is a dangerous building; and

WHEREAS, persons who fail to timely comply with a notice from the Building Inspector to remediate a dangerous building should be subject to a penalty for failure to comply; and

WHEREAS, Senate Bill 915, enacted by the Oregon Legislature in 2009 and effective on January 1, 2010, regulates the procedures and penalties that may be imposed in connection with violations of a municipal building code; and

WHEREAS, it is necessary to revise Chapter 5 of Title 4 to bring it into compliance with Senate Bill 915.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. The title of Chapter 5 of Title 4 of the Ontario City Code is renamed the "Building Maintenance Code."

Section 2. The following Sections of Chapter 5 of Title 4 are amended by adding those provisions which are underlined and deleting those provisions which are stricken:

4-5-1 Title.

This Chapter shall be known as the Ontario ~~Residential~~ Building Maintenance Code, may be cited as such, and will be referred to herein as "this Code".

4-5-2 Purpose.

The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential, commercial and industrial buildings.

4-5-3 Definitions.

For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this Code. Words used in the singular include the plural and plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

~~APARTMENT: Apartment shall mean a dwelling unit as defined in this Code.~~

~~APARTMENT HOUSE: Apartment house is any building, or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units.~~

APPROVED: Approved as to materials and types of constructed, refers to approval by the Building Inspector as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

~~BOARDING HOUSE: Boarding house is a lodging house in which meals are provided.~~

BUILDING: Building is any building or structure, or portion thereof which is used, or designed or intended to be used for ~~human habitation, for living, sleeping, cooking or eating purposes or any combination thereof~~ for residential, commercial or industrial purposes.

BUILDING, EXISTING: Existing building is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

BUILDING INSPECTOR: Building Inspector shall mean the City official designated by the City to be charged with the administration and enforcement of this Code, or his regularly authorized representatives.

~~CELLAR: Cellar means that portion of a building, the ceiling of which is entirely below grade or less than four feet six inches (4'6") above grade.~~

DANGEROUS BUILDING: A building, structure or premises defined in Section 4-5-7A(B) of this Chapter.

~~DWELLING: Dwelling is any building or any portion thereof, which is not an apartment house, a lodging house, or a hotel as defined in this Code, which may contain not more than two (2) dwelling units or guest rooms, used, intended or designed to be used, or occupied for living purposes.~~

DWELLING UNIT: Dwelling unit is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

EXIT: An exit, as referred to in this Code, shall be a way of departure from the interior of a building. It may comprise vertical and horizontal means of travel such as doorways, stairways, escalators, ramps, corridors, passageways and fire escapes, including all elements necessary for the purpose of emergency escape from the building or structures. An exit begins at any doorway or other point of access to an exit from which occupants may proceed to a public way.

~~EXTERMINATION: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods~~.

GUEST: Guest is any person hiring and occupying a room for living or sleeping purposes, exclusive of any member of a family occupying a dwelling unit.

GUEST ROOM: Guest room is any room or rooms used, or intended to be used by a guest for sleeping purposes.

HABITABLE ROOM: Habitable room means a room occupied by one or more persons for living, eating or sleeping purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.

~~HOTEL: Hotel is any building containing six (6) or more guest rooms intended or de-signed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.~~

~~INFESTATION: The presence, within or contiguous to a dwelling unit, rooming house, rooming unit, or premises, or insects, rodents, vermin or other pests.~~

~~KITCHEN: Kitchen shall mean a room used or designed to be used for the preparation of food.~~

LODGING HOUSE: Lodging house is any building or portion thereof, containing not more than five (5) guest rooms, which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise.

NUISANCE: The following shall be defined as nuisances:

(A) Any public nuisance known at common law or in equity jurisprudence.

(B) Any attractive nuisance which may prove detrimental to children whether in a building, or the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

(C) Whatever is dangerous to human life or is detrimental to health.

(D) Any condition <u>that is either defined as a nuisance or is identified as</u> dangerous to health, safety or morals ~~as defined in~~ <u>by any</u> ordinances of the City.

OWNER: Owner as herein used shall include the owners or owners of the freehold of the premises or any lesser estate therein, a mortgagee or vendee in possession, an assignee for rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

PASSAGEWAY: Means of egress connecting a required exit with a public way.

PERSON: Person is a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

~~ROOMING HOUSE: See "lodging house".~~

~~SERVICE ROOM: Service room shall mean any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms.~~

STREET: Street is any thoroughfare or public space not less than sixteen feet (16') in width which has been dedicated or deeded to the public for public use.

STRUCTURE: Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

~~SUBSTANDARD BUILDING: Any dwelling or dwelling unit in which there exists any conditions less than required by this Code to a degree that endangers the life, limb, health, property, safety or welfare of the public or the occupants.~~

4-5-4 Application, alteration.

(A) Application. ~~The provisions of this Code shall apply to all buildings or portions thereof, used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued, except such structures as are found to be substandard as defined in this Code. Where any building or portion thereof, is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings.~~ The provisions of this chapter shall apply to all matters affecting or relating to buildings, structures, and premises.

(B) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with applicable ordinances of the City.

4-5-5 Building Inspector, inspection of premises

(A) Authority. The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of this Code.

(B) Inspections: It shall be the duty of the Building Inspector charged with the enforcement of this Code to make routine and periodic inspections of properties and premises within the corporate limits of the City to determine whether there is compliance with the provisions of this Code and it shall also be the duty of such person to make such inspections upon the receipt of complaints or specific or general information indicating the existence of violations or noncompliance with these Code provisions. In the event that any authorized officer or employee charged with the enforcement of this Code shall be denied access to any property or premises for the purpose of making an inspection provided for in this Chapter, then, except as otherwise provided for in this Chapter, such officer or employee shall not inspect such premises unless and until he shall have obtained from the Municipal Judge of the City a search warrant for the inspection of such premises.

(C) Search Warrants. No search warrant shall be issued under the terms of this Chapter for the inspection of any property or premises within the corporate limits of the City unless and until there shall have been filed with the Municipal Court of the City an affidavit showing probable cause for such inspection, by stating the purpose and extent of the proposed inspection, the ordinance or ordinances which form the basis for such inspection, whether it is a routine or periodic inspection or an inspection instituted by complaint or other specific or general information concerning the property or premises or the area in which it is situated. The search warrant issued by the Court shall specify the purpose and extent of the inspection which is proposed to be made and the specific property or premises covered by such warrant.

(D) Emergency. When property or premises exhibit outward manifestations of hazardous and dangerous conditions or when there is other reliable information from which it appears reasonably probable that immediate action is required to protect the safety of persons or property, then an emergency shall be deemed to exist and officers or employees of the City shall have the right to make inspection of the property and premises without the consent of the owner, occupant or other persons in charge of such property or premises and without a search warrant.

(E) ~~Penalty~~ Obstruction Prohibited. It shall be unlawful for any person to hinder, delay or otherwise obstruct the inspection of property or premises when such inspection is authorized by a warrant or emergency as provided in the terms of this Chapter; and upon conviction of violation of ~~any of the terms of this Chapter~~ this provision such person shall be subject to ~~punishment~~ a civil penalty as provided in Sections ~~1-4-1~~ 4-5-8A and 4-5-8B of this City Code.

4-5-6 Dwelling unit regulations and standards

[Unamended]

4-5-7 Responsibilities of owners and occupants.

~~(A) Public Areas. Every owner of an apartment house, lodging house or hotel shall be responsible for maintaining in a sanitary condition the shared or public areas of the building and premises thereof.~~

~~(B) Sanitation. Every occupant of a dwelling unit shall keep in a sanitary condition that part of the dwelling unit and premises thereof which he occupies and controls. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. The owner of every lodging house, hotel or dormitory shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and for the maintenance of a sanitary condition in every other part thereof; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is under his control.~~

~~(C) Rubbish and Garbage. Every occupant of a dwelling unit shall dispose of all his rubbish, garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in approved disposal facilities or containers. It shall be the responsibility of the owner to supply or cause to be supplied garbage rubbish disposal facilities or containers for all apartment houses, lodging houses and hotels.~~

~~(D) Extermination. Every occupant of a building containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.~~

~~Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by a failure of the owner to maintain a building in a ratproof or reasonable insectproof condition, extermination shall be the responsibility of the owner or operator.~~

~~(E) Maintenance of Buildings and Premises. Every owner of a building, either occupied or vacant, shall be responsible for maintaining the building in good repair and free of refuse, debris, and rubbish.~~

(A) General Responsibility. The requirements set forth herein apply to all residential, commercial and industrial premises and are in addition to the requirements set forth in Section 4-5-6 applicable to dwelling units. The owner of the premises shall maintain the buildings, exterior structures, exterior property and stairways and walkways in compliance with these requirements, except as otherwise provided for in this title. A person shall not occupy as owner-occupant or permit another person to occupy buildings, premises, or structures which are not in a sanitary and safe condition or which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(B) Exterior Property. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(1) All holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors, and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property shall be removed or filled, where filling will abate the nuisance.

(2) All open or broken exterior doors, windows, or apertures of any structure shall be boarded over or otherwise secured, and kept boarded over or otherwise secured, so as to prevent access by unauthorized persons through such openings.

(3) Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(4) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(C) Exterior Structure. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(1) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

(2) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of a protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.

(3) Exterior metal surfaces shall be protected from rust and corrosion.

(4) Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

(5) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(6) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of rodents and other pests.

(7) All buildings and structures shall have an approved roof drainage system including gutters and downspouts. Such system shall be connected to an approved drainage system. The roof and flashing shall be sound, tight and have no defects that might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(8) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(9) All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(10) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be repaired in an approved manner and loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(11) Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

(12) All glazing materials shall be maintained free from cracks and holes.

(13) Every window, other than a fixed window, that is required to be properly designed for emergency egress or ventilation shall be easily openable and capable of being held in position by window hardware.

(14) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

(15) Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(16) Every basement window that is openable shall be supplied with storm windows or other approved protection against the entry of rodents.

(D) Stairways, Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall comply with the code in effect at time of construction and shall be properly designed for its use and be maintained in sound condition and good repair. Every handrail and guard shall comply with the code in effect at time of construction, but at a minimum shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

4-5-7A Dangerous Buildings

(A) Generally. No premises shall contain any dangerous building or structure as described in this title. Once identified and determined to be dangerous by the Building Inspector, all such buildings, premises, or structures shall be repaired or demolished in accordance with Section 4-5-8.

(B) Definition. A dangerous building, premises, or structure shall be considered to exist whenever any premises, building, structure, or portion thereof meets any of the following criteria to the extent that the life, health, property, or safety of the public or the building, structure, or premises' occupants are unreasonably endangered:

(1) High Loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the State Building Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

(2) Weakened or Unstable Structural Members or Appendages.

(i) Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the State Building Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location; and/or

(ii) Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuaries, signs, or other appendages or structural members which are supported by, attached to, or part of a building, are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the State Building Code and Fire and Life Safety Code.

(3) Buckled or Leaning Walls, Structural Members. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(4) Vulnerability to Earthquakes, High Winds.

(i) Whenever any portion of a structure has wracked, warped, buckled, or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; and/or

(ii) Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the State Building Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the State Building Code and Fire and Life Safety Code for such buildings.

(5) Insufficient Strength or Fire Resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

(i) Has in any nonsupporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location.

(ii) Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

(iii) This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see the State Building Code.

(6) Risk of Failure or Collapse.

(i) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(ii) Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including, but not limited to:

(a) Dilapidation, deterioration, or decay;

(b) Faulty construction;

(c) The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or

(d) The deterioration, decay, or inadequacy of its foundation.

(7) Excessive Damage or Deterioration. Whenever the structure, exclusive of the foundation:

(i) Shows 33 percent or more damage or deterioration of its supporting member or members.

(ii) Shows 50 percent damage or deterioration of its nonsupporting members.

(iii) Shows 50 percent damage or deterioration of its enclosing or outside wall coverings.

(8) Demolition Remnants On-Site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure.

(9) Lack of Approved Foundation.

(i) Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure.

(ii) For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.

(10) Fire Hazard.

(i) Whenever any structure is a fire hazard as a result of any cause, including but not limited to: dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; vegetation overgrowth; faulty electric wiring, gas connections, or heating apparatus; storage or keeping of combustibles; or any other cause that is determined by the Fire Marshal or Building Inspector to be a fire hazard.

(ii) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(iii) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(11) Other Hazards to Health, Safety, or Public Welfare.

(i) Whenever, for any reason, the structure, building, or premises, or any portion thereof, is manifestly unsafe for the purpose for which it is currently being used.

(ii) Whenever a structure, building, or premises has any of the conditions or defects described in Sections 4-5-6 or 4-5-7, to the extent that life, health, property, or safety of the public or its occupants are endangered.

(12) Public Nuisance.

(i) Whenever any structure, building, or premises is in such a condition as to constitute a public nuisance as defined in this Chapter or Chapter 1 of Title 7 of the Ontario City Code.

(ii) Whenever the structure, building, or premises has been so damaged by fire, wind, earthquake or flood or any other cause, or through abandonment for in excess of six months, has become so dilapidated or deteriorated as to become:

(a) An attractive nuisance;

(b) A harbor for vagrants or criminals; or as to

(c) Enable persons to resort thereto for the purpose of committing unlawful acts.

(13) Drug Lab Property. Is currently listed as "unfit for use" by the state of Oregon due to toxic contamination resulting from illegal drug manufacturing.

(14) Violations of Codes, Laws. Whenever any structure, building, or premises has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the State Building Code, Fire and Life Safety Code, or any law or ordinance of this state or City relating to the condition, location, or structure of buildings.

4-5-8 Enforcement

(A) Notice to Owner. The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be ~~an unsafe~~ a dangerous building as defined in Section 4-5-7A of this Chapter, the Building Inspector shall give to the owner of such building or structure written notice ~~stating~~ that states the defects thereof, and that complies with the notice requirements of Section 4-5-8B. This notice may require the owner or person in charge of the building or premises, within thirty (30) days, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise

stipulated by the Building Inspector. ~~If necessary~~ If the Building Inspector determines that the dangerous building is an imminent threat to health, safety or welfare, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Inspector.

~~Proper service of such notice shall be by personal service upon the owner of record, if he shall be found within the City limits. If he is not found within the City limits, such service may be made upon said owner by registered mail; provided, that if such notice is by registered mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date he receives such notice.~~ Service of such notice shall be as provided in Section 4-5-8B(G).

(B) If the dangerous building can be reasonably repaired or rehabilitated so that it will comply with the requirements of this Code, it shall be ordered repaired or rehabilitated by the Building Inspector; provided, that the failure to comply with a final order of the Building Inspector shall authorize the Building Inspector to order the building vacated and closed. If the dangerous building cannot be repaired or rehabilitated so it can comply with the requirements of this Code, it shall be demolished.

(C) Appeals. Appeals from the Building Inspector's written notice issued under subsection (A) shall be taken as provided in Section 4-5-8D.

~~(B)~~ (D) The City's Right to Repair or Demolish; Penalty. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the City Council may ~~order~~ direct ~~the owner of the building prosecuted as a violator of the provisions of this Code and may order~~ City staff ~~the Building Inspector~~ to proceed with the work specified in such notice or to contract with third parties to do so. A statement of the cost of such work shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special assessment against the property after determining that the owner was properly served with the Building Inspector's notice under subsection (A). A failure to comply with the Building Inspector's notice shall also subject the owner to a civil penalty under Sections 4-5-8A and 4-5-8B.

(E) Costs. Costs incurred under subsection ~~(B)~~ (D) shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments.

4-5-8A Violations; Maximum Penalty; Remedies

(A) No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this code.

(B) Violation of a provision of this ordinance shall be subject to an administrative civil penalty not to exceed $1,000 and shall be processed in accordance with the procedures set forth in this Chapter.

(C) Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

(D) In addition to the above penalties, a condition caused or permitted to exist in violation of this ordinance is a public nuisance and may be abated by any of the procedures set forth under law, including a suit for an injunction.

(E) The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute or law.

4-5-8B Authority to Impose Civil Penalty

(A) Upon a determination by the Building Inspector that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the Building Inspector may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (A) to (K) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

(B) Prior to issuing an order to correct a violation under this section, the Building Inspector may pursue reasonable attempts to secure voluntary correction.

(C) Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the Building Inspector shall issue an order to correct a violation to one or more of the responsible persons. Except where the Building Inspector determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than thirty (30) calendar days.

(D) Following the date or time by which the correction must be completed as required by an order to correct a violation, the Building Inspector shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the Building Inspector may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to whom an order to correct was issued.

(E) Notwithstanding subsections (B) and (C), the Building Inspector may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the Building Inspector determines that the violation was knowing or intentional or a repeat of a similar violation.

(F) In imposing an administrative civil penalty authorized by this section, the Building Inspector shall consider:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

2. Any prior violations of statutes, rules, orders, and permits;

3. The gravity and magnitude of the violation;

4. Whether the violation was repeated or continuous;

5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

6. The violator's cooperativeness and efforts to correct the violation; and

7. Any relevant rule of the Building Inspector.

(G) Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

1. Reference to the particular code provision, ordinance number, or rule involved;

2. A short and plain statement of the matters asserted or charged;

3. A statement of the amount of the penalty or penalties imposed;

4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (E), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

5. A statement of the party's right to appeal the civil penalty to the City Manager or designee; a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.

(H) Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the City Manager or his designee. The City Manager's designee shall not be the Building Inspector. The provisions of Section 4-5-8C of this code shall govern any requested appeal.

(I) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or his designee pursuant to, and within the time limits established by Section 4-5-8C.

(J) Each day the violator fails to remedy the code violation shall constitute a separate violation.

(K) The civil administrative penalty authorized by this section shall be in addition to:

(1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and

(2) Any other actions authorized by law, provided that the City shall not issue a citation to Municipal Court for a violation of this Chapter.

4-5-8C Appeal Procedures

(A) A person, firm, corporation or other entity however organized aggrieved by an administrative action of the Building Inspector taken pursuant to any section of this code that authorizes an appeal under this section may, within fifteen (15) days after the date of notice of the action, appeal in writing to the Building Inspector. The written appeal shall be accompanied by a $200 appeal fee and shall include:

1. The name and address of the appellant;

2. The nature of the determination being appealed;

3. The reason the determination is incorrect; and

4. What the correct determination of the appeal should be.

If a person, firm, corporation or other entity however organized appeals a civil penalty to the City Manager or designee, the penalty shall become final, if at all, upon issuance of the City Manager or designee's decision affirming the imposition of the administrative civil penalty.

(B) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

(C) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or his designee within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(D) The City Manager or designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager or designee deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the Building Inspector. The rules of evidence as used by courts of law do not apply.

(E) The City Manager or designee shall issue a written decision within 10 days of the hearing date. The written decision of the City Manager or designee is final.

(F) Other than as provided in this subsection, the appeal fee is not refundable. The City Manager or designee may make a determination on the motion of the appellant that the appeal fee shall be refunded to the appellant upon a finding by the City Manager or designee that the appeal was not frivolous.

(G) Failure to pay a penalty imposed hereunder within ten days after the penalty becomes final as provided in subsection (A) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The Building Inspector is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by Section 4-5-8D, other provisions of this code, or state statutes.

4-5-8D Unpaid Penalties

(A) Failure to pay an administrative penalty imposed pursuant to this code within ten days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The Building Inspector is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (B) below, other provisions of this code, or state statutes.

(B) If an administrative civil penalty is imposed on an owner because of a violation of any provision of this code resulting from prohibited use or activity on real property, and if the owner was properly served with a notice of the violation, and the penalty remains unpaid 30 days after such penalty become final, the Building Inspector shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of City liens. At the time such an assessment is made, the Building Inspector shall notify the owner that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of City liens. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(C) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

Section 3. Sections 4-5-9, 4-5-10 and 4-5-11 of the Ontario City Code are repealed.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2010, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this ____ day of _____, 2010.

ATTEST:

_____ _____

Joe Dominick, Mayor Tori Barnett, MMC, City Recorder

LEAGUE of Oregon CITIES

The provisions of Senate Bill 915 (2009) will take effect on January 1, 2010. This legislation affects any municipality that administers a building inspection program under ORS 455.148 or 455.150.

The following is a summary of Senate Bill 915 adapted from information provided by the Oregon Building Codes Division (BCD) and League staff:

- Senate Bill 915 establishes procedures for local jurisdictions to follow when issuing monetary penalties for building code violations;
- The bill restricts a municipality's monetary penalties for violations of the state building code to civil penalties. Cities may no longer issue citations to municipal court for building code violations;
- Municipalities must provide notice to the individual or company before assessing a civil penalty for a violation under a building inspection program. The notice must describe the alleged violation, including citation to the relevant code or ordinance (write it, cite it), and the amount of the proposed penalty;
- The notice must also state that the individual or company has the right to challenge the proposed penalty and inform them of the method and the relevant timelines for challenging it;
- The bill limits municipal civil penalties to those established in statute already (ORS 455.895): $5,000 for a single violation or $1,000 a day for a continuing violation;
- The bill does not restrict municipalities from assessing a "double permit" or investigation fee for failure to obtain a permit;
- The bill also does not restrict a municipality from seeking an injunction or other non-monetary penalties;
- Under the bill, a municipality must have an administrative method for challenging the civil penalty. The process could involve challenging the assessed penalty before an individual, other than the building official, a department, or another body that is not a court of law; and
- A municipality may adopt or raise fees to cover the costs of providing notice and the opportunity to challenge a penalty in accordance with established notice requirements (ORS 455.210).

Jurisdictions developing an enforcement plan under this bill do not require BCD's approval, although such plans might require a change in a city's operating plan adopted pursuant to OAR 918-020-0080.

The League has drafted a model ordinance that cities can adopt to comply with the requirements of Senate Bill 915. The model ordinance is intended to become a part of your existing building code. Accordingly, should a city choose to adopt this model ordinance, it will need to amend both existing law and the model ordinance to provide conformity in the language of each. For example, if local law currently makes it an infraction to violate your building code, a city will need to delete that language from its code and amend section one of the model ordinance to conform to the other existing provisions of its building code. In addition, language in italics in the model ordinance will need to be changed to conform to a local code and/or a city's preferences. Finally, the model code does not increase fees to cover the costs of complying with SB 915. Cities will need to do that separately if they so choose.

The League of Oregon Cities would like to thank the Beaverton city attorney's office and the law firm of Jordan, Schrader Ramis for their generous assistance with this project. The model ordinance is largely based on an ordinance originally drafted by the Beaverton city attorney's office.

in this Chapter, then, except as otherwise provided for in this Chapter, such officer or employee shall not inspect such premises unless and until he shall have obtained from the Municipal Judge of the City a search warrant for the inspection of such premises.

(C) Search Warrants. No search warrant shall be issued under the terms of this Chapter for the inspection of any property or premises within the corporate limits of the City unless and until there shall have been filed with the Municipal Court of the City an affidavit showing probable cause for such inspection, by stating the purpose and extent of the proposed inspection, the ordinance or ordinances which form the basis for such inspection, whether it is a routine or periodic inspection or an inspection instituted by complaint or other specific or general information concerning the property or premises or the area in which it is situated. The search warrant issued by the Court shall specify the purpose and extent of the inspection which is proposed to be made and the specific property or premises covered by such warrant.

(D) Emergency. When property or premises exhibit outward manifestations of hazardous and dangerous conditions or when there is other reliable information from which it appears reasonably probable that immediate action is required to protect the safety of persons or property, then an emergency shall be deemed to exist and officers or employees of the City shall have the right to make inspection of the property and premises without the consent of the owner, occupant or other persons in charge of such property or premises and without a search warrant.

(E) Penalty. It shall be unlawful for any person to hinder, delay or otherwise obstruct the inspection of property or premises when such inspection is authorized by a warrant or emergency as provided in the terms of this Chapter; and upon conviction of violation of any of the terms of this Chapter such person shall be subject to punishment as provided in Section 1-4-1 of this City Code.

4-5-6 Dwelling unit regulations and standards.

(A) Sanitation and Health:

1. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a water closet and a lavatory in good working condition. Every dwelling unit shall contain within a room which affords privacy to a person within said room, a bathtub or shower in good working condition. Every dwelling unit shall contain a kitchen sink.

2. Where private water closets, lavatories and baths are not provided for guest rooms, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional ten (10) guests, or fractional number thereof, in excess of ten (10). Urinals may be substituted for one-half (1/2) of the required water closets for male guests. Such facilities shall be clearly marked for "MEN" or "WOMEN".

3. All plumbing fixtures shall be connected to a sanitary sewer or an approved private sewage disposal system. All required plumbing fixtures shall be connected to the municipal water supply or a potable private system.

(B) Windows. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area measured between stops for every habitable room shall be ten percent (10%) of

the floor area for such room. Every habitable room shall have at least one window which can easily be opened or such other device as will adequately ventilate the room.

(C) Room Dimensions and Arrangement:

1. Every dwelling unit shall contain at least one hundred (100) square feet of floor area for each occupant over twelve (12) years of age.

2. No room used for the preparation of food shall house a water closet and no room housing a water closet shall open directly into a room used for the preparation of food unless there is a door.

3. Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area. Every bedroom shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over.

4. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven feet (7') and no portion of any room having a ceiling height of less than four feet six inches (4'6") shall be considered as contributing to the minimum area required by this Section.

(D) Structural Requirements:

1. Buildings or structures may be of construction which conformed with all applicable laws at the time of their construction and have been adequately maintained. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces to which they are subjected or may be anticipated due to natural causes.

2. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

3. Buildings or structures having elements in contact with the ground which are deteriorated due to corrosion, decay or insect damage shall have such elements removed or replaced with materials which will resist such corrosion, decay or insect damage.

(E) Heating. Every dwelling unit and guest room shall be provided with heating facilities. Such facilities shall be installed and maintained in a safe condition. No unvented heater shall be permitted.

(F) Electrical Equipment. All electrical equipment, wiring, or appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment and materials shall be of an approved type which complied with applicable laws at the time of installation.

Every habitable room shall contain at least two (2) supplied electrical convenience outlets or one such convenience outlet and one electric light fixture when electrical power is available.

(G) Exits. Every dwelling unit or guest room shall have safe, approved unobstructed means of exit with access directly to the outside at ground level or to a public corridor. All buildings or portions thereof shall be provided with exits maintained in a safe and usable condition.

4-5-7 Responsibilities of owners and occupants.

(A) Public Areas. Every owner of an apartment house, lodging house or hotel shall be responsible for maintaining in a sanitary condition the shared or public areas of the building and premises thereof.

(B) Sanitation. Every occupant of a dwelling unit shall keep in a sanitary condition that part of the dwelling unit and premises thereof which

INFORMATIONAL REPORT: STUDY SESSION
February 28, 2010

TO: Mayor and City Council

FROM: Tori Barnett, MMC, City Recorder

THROUGH: Henry Lawrence, City Manager

SUBJECT: **REQUESTS FOR APPOINTMENT/REAPPOINTMENT TO CITY BOARDS, COMMITTEES AND COMMISSIONS**

DATE: January 27, 2010

SUMMARY:
Terms of service for various City boards, committees and commissions expire at the end of every fiscal year. Following is a summary of which boards have vacancies, and a list of those individuals who have requested appointment or reappointment to date.

Airport Committee: Norm Crume, Ex-Officio
Two (2) expired terms (Chris Droege and Jack Terry); Both Mr. Droege and Mr. Terry have requested reappointment; there are also two (2) positions "vacant", however, Dennis Carter and David Patchett have agreed to remain in those positions unless or until filled by other interested parties. No other letters received. New expiration: December 31, 2013.

Business Loan Fund:
Currently, the six (6) member Committee consists of John Kirby, Charlotte Fugate, Henry Lawrence, Randy Miles, Cherie Skogerboe and Lonny Hytrek. These positions are perpetual, and have set no expiration date.

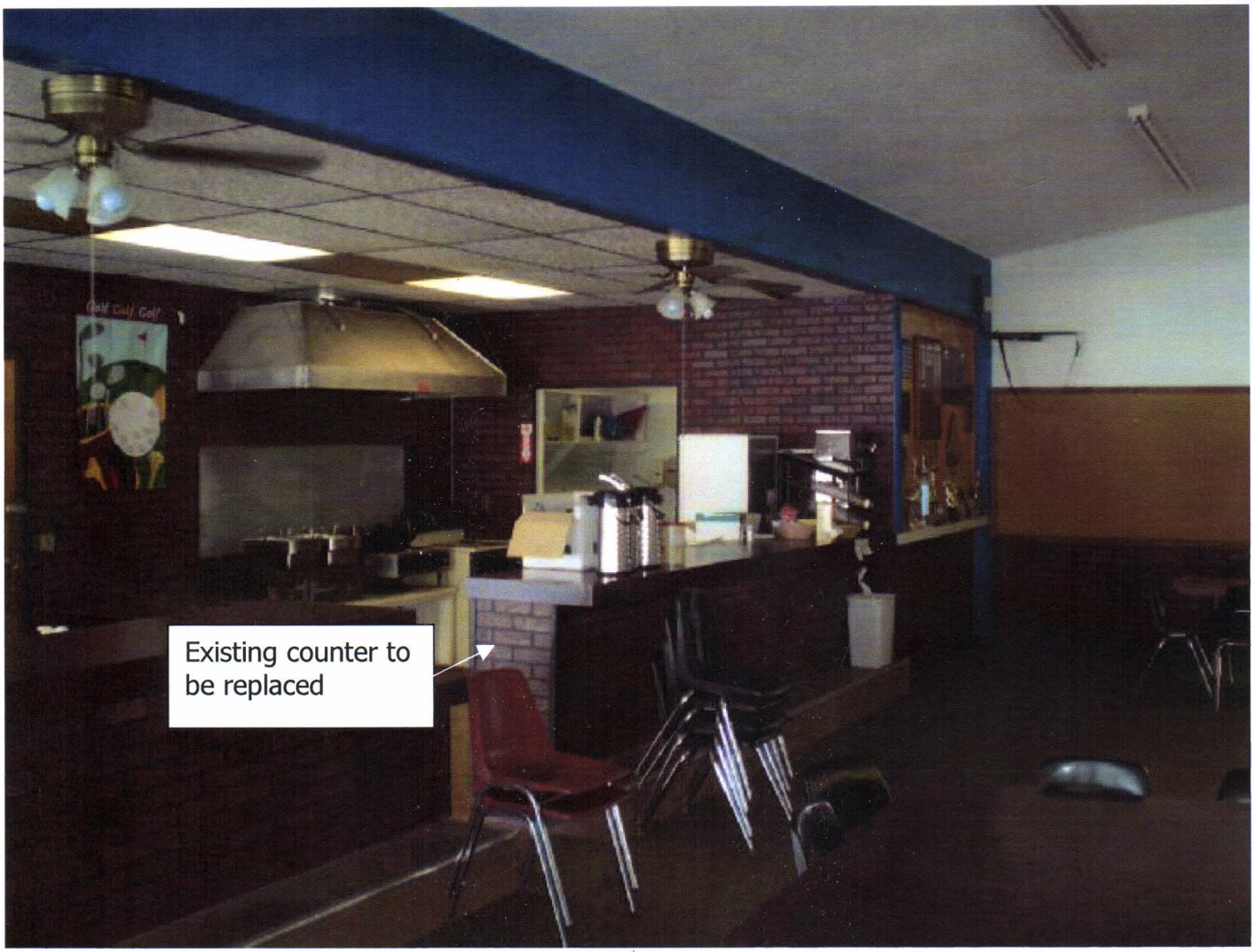
Golf Committee: David Sullivan, Ex-Officio
Currently, only one (1) expired term (John Schram); however, two (2) letters have been received. Mr. Schram has requested reappointment, and Richard Watts has requested his first appointment. New expiration: December 31, 2013.

Planning Commission: Ron Verini, Ex-Officio
One (1) expired term (Greg Tuttle); Mr. Tuttle has requested reappointment. No other letters received. New expiration: December 31, 2013.

Public Works Committee: Joe Dominick, Ex-Officio
Three (3) expired terms (Rick Hutchinson, Tom Phillips, Tommy Frazier); Mr. Fraizer has requested reappointment. No other letters received. New expiration: December 31, 2012.

Recreation Board: Susann Mills, Ex-Officio
Three expired terms (LeRoy Cammack, Greg Herrera, Rachel Hopper); Mr. Cammack and Mr. Herrera have both requested reappointment. No other letters received. New expiration: December 31, 2012,

Visitors & Conventions Bureau Board
Two (2) expired terms (Bob Quinn and Laura Davis); both Mr. Quinn and Mrs. Davis have requested reappointment. No other letters received. Also, Councilor Ron Verini was appointed to this committee, and his appointment term has also expired, so he will require reappointment, or another Councilor to replace him. New expiration: December 31, 2012.



VIEW OF KITCHEN FROM EAST SIDE OF BUILDING
1

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VIEW OF NORTHEAST CORNER OF DINING AREA

2

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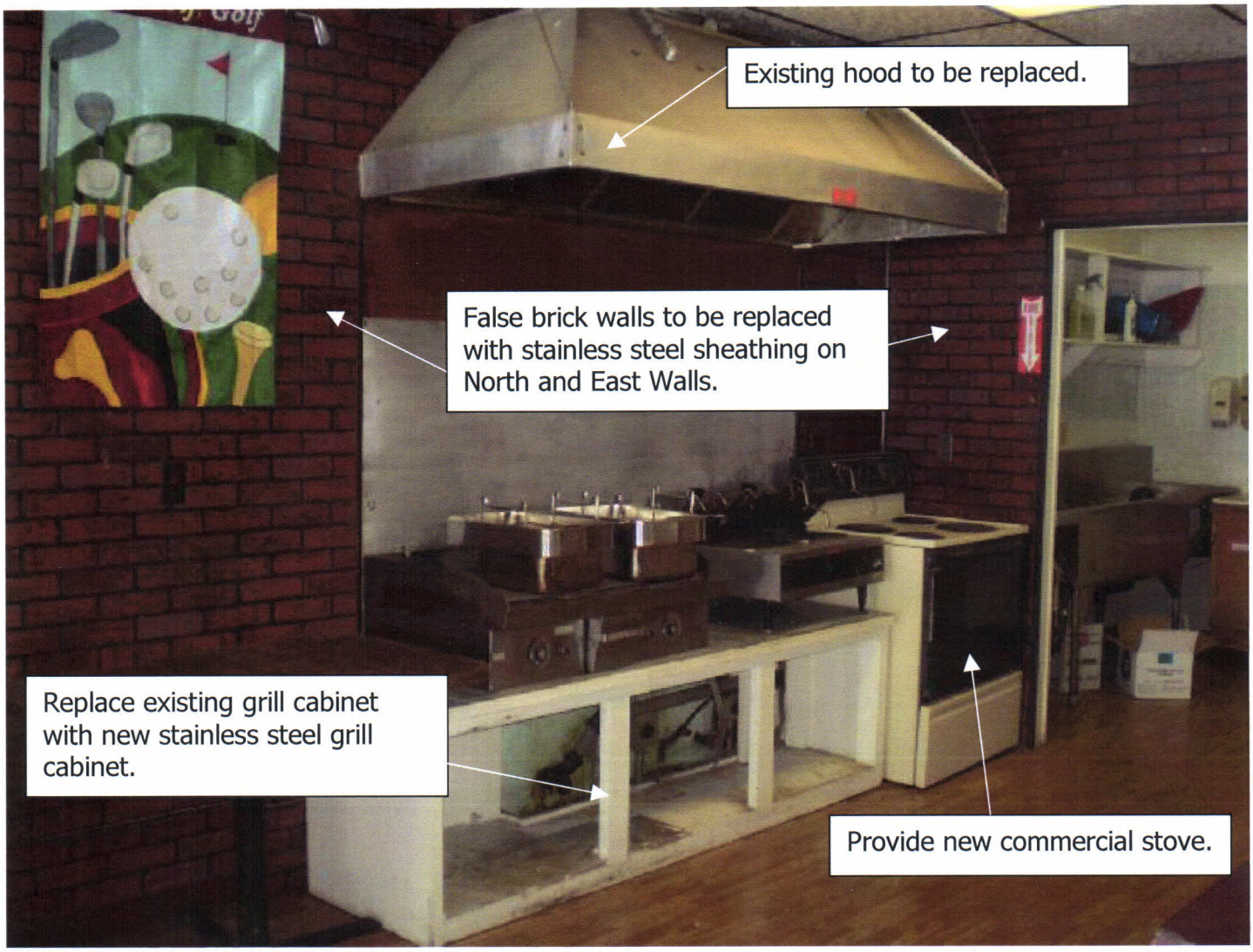

VIEW OF EXISTING COOKING EQUIPMENT

3

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VIEW OF WASHROOM SINKS
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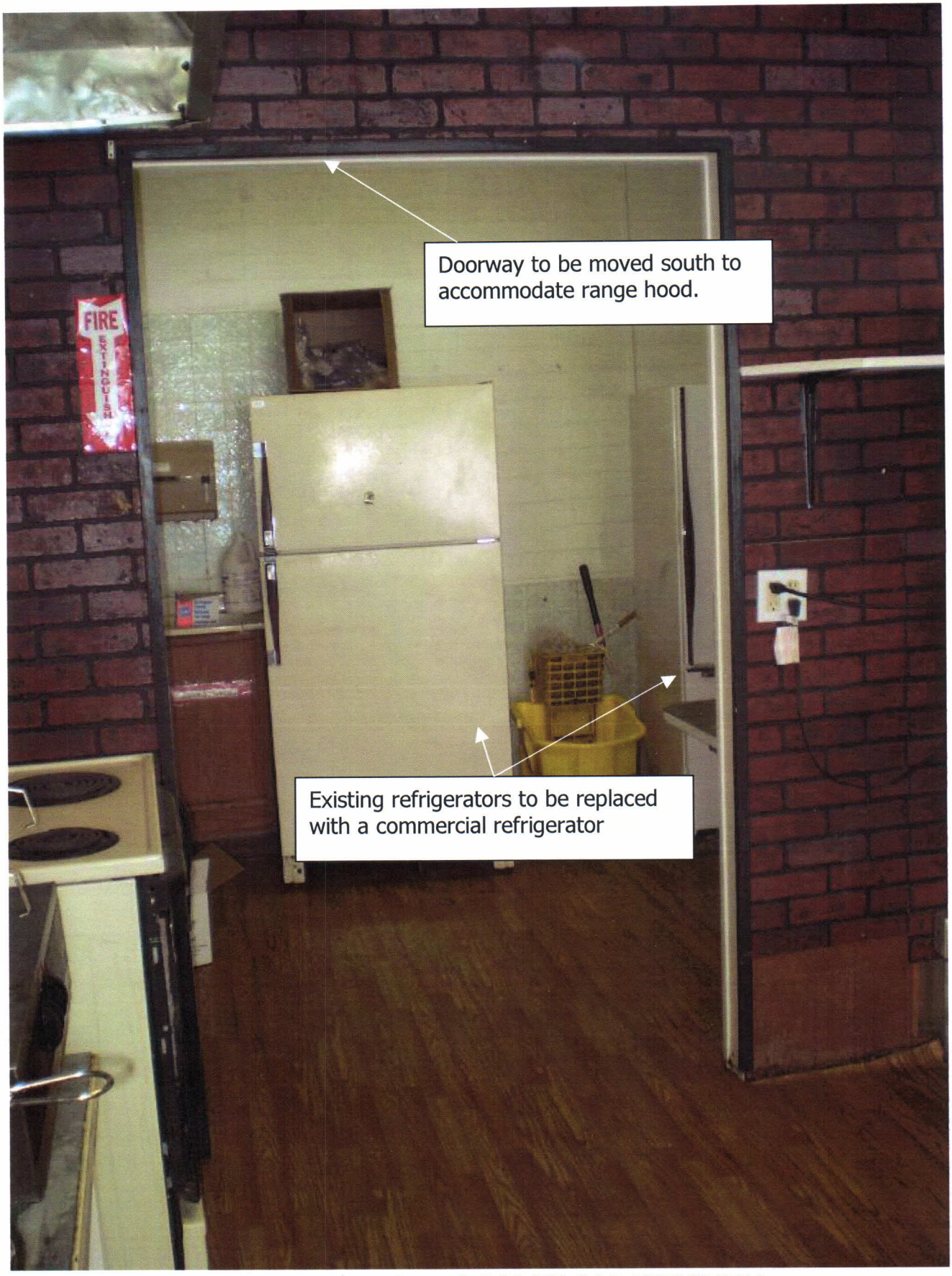

VIEW OF WASHROOM FROM KITCHEN

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VIEW OF SOUTHWEST CORNER OF WASHROOM

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VIEW OF WEST END OF KITCHEN
7

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CONDIMENT TABLE / COOLER AND ICE MACHINE
8

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BEER TAP AND COOLER
9

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EXISTING REACH-IN COOLER
10

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VIEW OF BACKSIDE OF COUNTER
11

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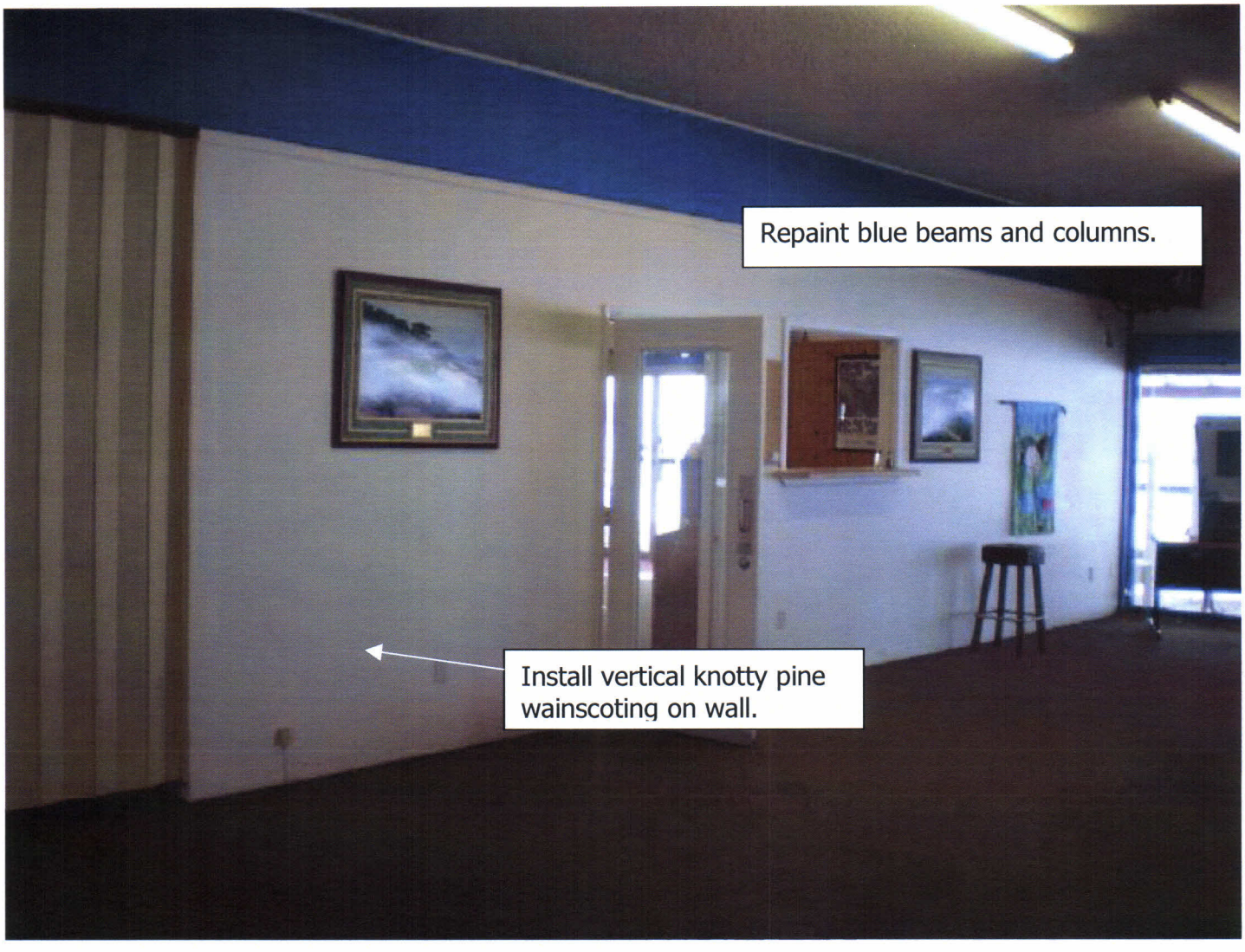

VIEW OF SOUTH WALL OF DINING AREA

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CARPET DAMAGE IN DINING AREA
13

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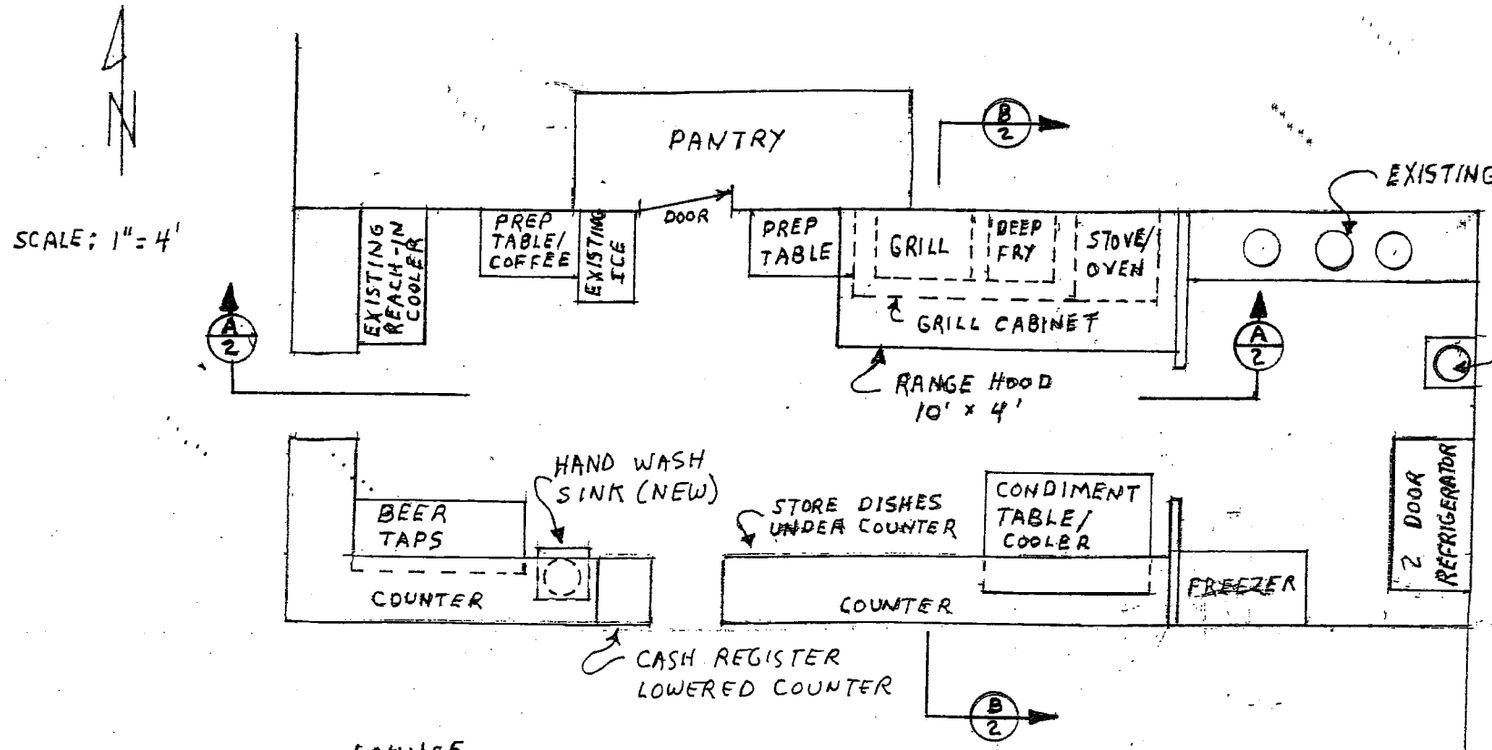


PLAN VIEW

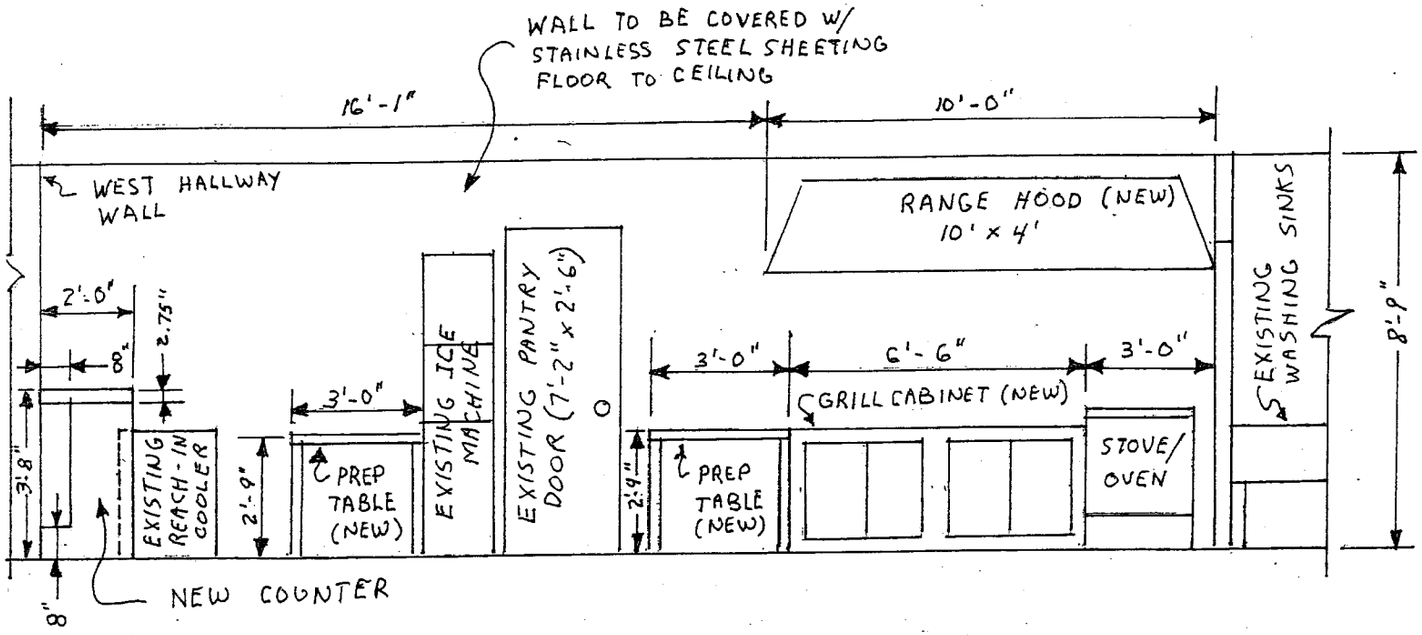
GOLF COURSE KITCHEN RENOVATION

CITY OF ONTARIO

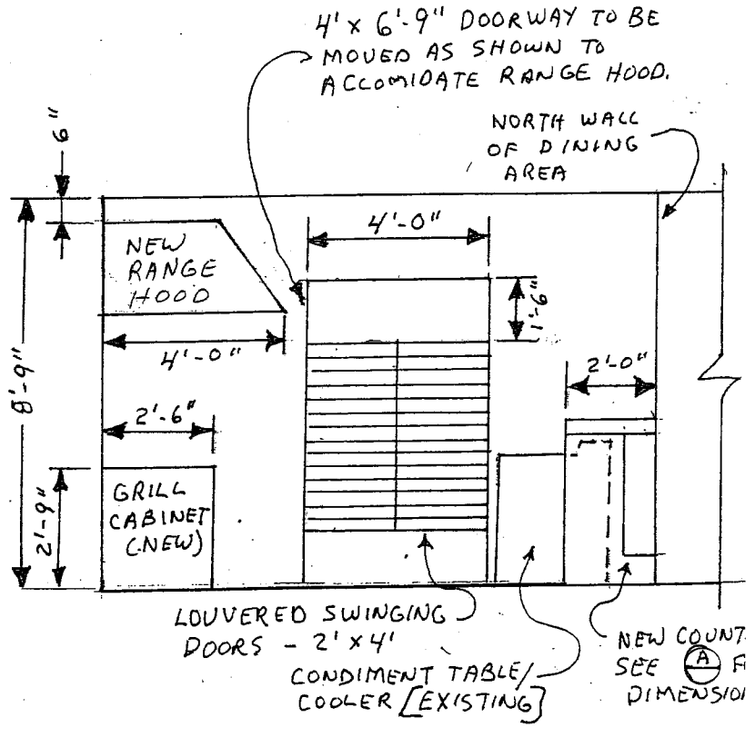
NOTES

1. NORTH & EAST WALLS OF KITCHEN TO BE COVERED W/ STAINLESS STEEL SHEETING - FLOOR TO CEILING.
2. OLD COUNTER TO BE REPLACED W/ NEW COUNTERS AS SHOWN.
3. CITY WILL PROVIDE ALL NEW KITCHEN EQUIPMENT:
   a. 10' x 4' RANGE HOOD
   b. NEW GRILL CABINET
   c. NEW COMMERCIAL STOVE W/ OVEN
   d. TWO NEW PREP TABLES
   e. TWO NEW HAND WASH SINKS
   f. NEW TWO DOOR COMMERCIAL REFRIGERATOR
4. REMOVE FALSE BRICK WAINSCOATING AND REPLACE W/ VERTICAL KNOTTY PINE WAINSCOATING.
5. INSTALL VERTICAL KNOTTY PINE WAINSCOATING ON SOUTH WALL OF DINING AREA.
6. CONSTRUCT DISH CABINET UNDER NEW COUNTER NEXT TO CONDIMENT TABLE.
7. REPAINT BLUE BEAMS AND COLUMNS

BOB WALKER / YORICK de TASSIGNY
NOV. 10, 2009



A SECTION
SCALE: 1"= 3.0'



B SECTION
SCALE: 1"= 3.0'

BOB WALKER / YORICK de TASSIGNY
JAN. 15, 2010

SECTION VIEWS
GOLF COURSE KITCHEN RENOVATIONS
CITY OF ONTARIO