

CITY OF SILVERTON
ORDINANCE
16-18

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SECTION 13.10.020 AND SECTION 13.06.020 OF THE SILVERTON MUNICIPAL CODE REGARDING WATER CURTAILMENT DURING SHORTAGES AND STATING AN EFFECTIVE DATE

WHEREAS, the Oregon Water Resources Department required Silverton to complete a Water Management and Conservation Plan; and

WHEREAS, City Council approved the City's Water Management and Conservation Plan on February 8, 2016; and

WHEREAS, water curtailment measures during shortages are a component of the Water Management and Conservation Plan and these measures require enforcement actions.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Section 13.10.20 of the Silverton Municipal Code is hereby amended as follows (new language underlined; deleted language in strikethrough):

13.10.020 Use restrictions during shortages.

The council, by resolution, may adopt a water curtailment plan to be implemented by the city during periods of water shortage caused by drought, infrastructure failure (mechanical, electrical), natural disaster, or from any other cause.

~~A. When the city council determines that a water supply shortage threatens the ability of the city to deliver essential water to its customers, the council may direct the city manager to activate emergency measures in compliance with any of the three stages of the water curtailment measures adopted by resolution by the city council.~~

~~B. Upon city council declaration of the most critical "stage three" water supply shortage, the city manager, or the city manager's representative, shall provide for public notice and enforcement of the following mandatory water curtailment measures:~~

~~1. No watering or irrigating of lawns, grass, or turf shall occur unless it is:~~

~~a. New lawn, grass, or turf that has been seeded or sodded after March 1st of the calendar year in which the restrictions are imposed, and in such cases it may be watered as necessary until established;~~

- ~~b. Athletic fields frequently used for organized play;~~
 - ~~c. Park and recreation areas of a particular significance and value to the community as approved by the city manager;~~
 - ~~d. Golf course tees and greens; and~~
 - ~~e. Public gardens owned or leased by the city.~~
- ~~2. No use of city-supplied water shall be allowed to clean, fill, or maintain levels in decorative fountains.~~
 - ~~3. No use of city-supplied water shall be allowed to fill swimming pools or other pools with a capacity in excess of 100 gallons; provided, however, that water may be added to swimming pools to replace volume lost due to evaporation and normal loss due to usage.~~
 - ~~4. No use of city-supplied water shall be allowed to wash sidewalks, walkways, streets, driveways, parking lots, or other hard-surfaced areas except where necessary for public health or safety.~~
 - ~~5. No use of city-supplied water shall be allowed to wash vehicles except for commercial car washes that recycle their wash and rinse water.~~
 - ~~6. Any reduced summer lawn watering rates, in effect, shall be discontinued. (Ord. 15-05 § 2, 2015)~~

Section 2: Section 13.06.020 of the Silverton Municipal Code is hereby amended as follows (new language underlined; deleted language in strikethrough):

13.06.020 Violation – Penalty.

A. With the exception of SMC 13.16.160, any person who violates any provision of the utility code shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit, but in no event longer than 30 days, for the satisfactory correction thereof. The offender must permanently cease all violations within the period of time stated in such notice.

B. Violation of SMC 13.10.020 is punishable by fines as set forth ~~in the current three-stage water curtailment measures as adopted by resolution adopted~~ by the city council. (Ord. 15-05 § 2, 2015)

Section 3: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 12th day of September 2016.



Mayor, City of Silverton
Rick Lewis

ATTEST



City Manager/Recorder, City of Silverton
Bob Willoughby

**CITY OF SILVERTON
RESOLUTION
16-29**

A RESOLUTION OF THE SILVERTON CITY COUNCIL RELATED TO THE INCONSISTENCY BETWEEN SILVERTON DEVELOPMENT CODE CHAPTER 4.10 AND OREGON SENATE BILL 1573 AND PROVIDING STAFF DIRECTION IN PROCESSING ANNEXATIONS UNTIL SUCH TIME AS THE INCONSISTENCY IS LEGALLY OR LEGISLATIVELY ADDRESSED

WHEREAS, under the Home Rule Authority granted by the Constitution and laws of the State of Oregon, the people of the City of Silverton have by popular vote enacted the Silverton City Charter (the “Charter”); and

WHEREAS, Section 4 of the Charter reserves to the City of Silverton (the “City”) all powers that the Constitutions, statutes and common law of the United States and of the State of Oregon expressly or impliedly grant or allow municipalities, as fully as though specifically enumerated in the Charter; and

WHEREAS, pursuant to the City’s Charter and Home Rule Authority, the City has adopted a Comprehensive Plan and Development Code which have been acknowledged by the State of Oregon as consistent with the Oregon Statewide Planning Goals and Oregon land use laws; and

WHEREAS, the Silverton Development Code (the “SDC”) has been codified as Title 18 of the Silverton Municipal Code; and

WHEREAS, SDC Section 4.10.110 requires all proposed annexations of land to the City to be approved by a majority vote among the electorate of the City; and

WHEREAS, the Oregon Legislature (the “Legislature”) passed Senate Bill 1573 (2016) (“SB 1573”), requiring the legislative body of cities in Oregon to consider annexations of land without submitting the proposal to the electorate when all owners of the land proposed for annexation have agreed to the petition for annexation; and

WHEREAS, the Legislature passed SB 1573 as an emergency law, making it effective immediately upon its passage; and

WHEREAS, it is not at all legally clear whether or not the Legislature acted within its authority in passing SB 1573, because its passage has effectively undermined the City’s exercise of its own Constitutionally granted authority in adopting SDC Section 4.10; and

WHEREAS, the cities of Corvallis and Philomath both require voter approvals for annexations of land; and

WHEREAS, the cities of Corvallis and Philomath have initiated legal proceedings seeking a judicial declaration that the passage of SB 1573 by was beyond the authority of the Legislature and is therefore invalid and of no effect; and

WHEREAS, the League of Oregon Cities is aware of the legal action initiated by the cities of Corvallis and Philomath and has successfully intervened in the case; and

WHEREAS, pending resolution of the legality SB 1573, City Staff, annexation applicants and the Silverton electorate need direction as to how to proceed with annexation proposals submitted in the meantime.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON AS FOLLOWS:

Section 1: Until such time as the legal conflict between SB 1753 and SDC Section 4.10.110 is resolved, City Staff are directed to seek voluntary agreements from annexation applicants authorizing annexation proposals to be submitted the City electorate consistent with SDC 4.10.110; and

Section 2: When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of six (6) months after the date of said refusal or the final adjudication of SB 1573; and

Section 3: City Staff are directed in all other regards to comply with the Charter, Comprehensive Plan, Development Code and all other applicable land use laws in processing annexation proposals.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SILVERTON AS FOLLOWS:

Section 4: The City Manager, City Attorney and City Staff are hereby authorized and directed to prepare and present proposed revisions to the text SDC Section 4.10 for consideration by the City Council, in response to the uncertainty created by the passage of SB 1573; and

Section 5: The City Manager, City Attorney and City Staff are hereby directed to provide assistance and support to the cities of Corvallis and Philomath, and the League of Oregon Cities, in the legal challenge to the legality of SB 1573.

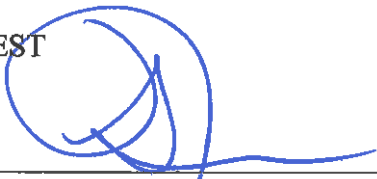
Section 6: This resolution is effective upon adoption by the City Council of the City of Silverton.

Resolution adopted by the City Council of the City of Silverton, this 12th day of September 2016.



Mayor, City of Silverton
Rick Lewis

ATTEST



City Manager/Recorder, City of Silverton
Bob Willoughby



CITY OF SILVERTON PROCLAMATION

NATIONAL PREPAREDNESS MONTH SEPTEMBER 2016

WHEREAS, “National Preparedness Month” creates an important opportunity for every resident of Silverton, OR to prepare their homes, businesses, and communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency’s Ready Campaign, Citizen Corps, and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of Silverton and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of Silverton are encouraged to participate in citizen preparedness activities and asked to visit the websites of the Ready campaign at Ready.gov or Listo.gov (in Spanish) and the City of Silverton to become more prepared.

NOW, THEREFORE, the Mayor of the City of Silverton does hereby proclaim **September, 2016 as**

NATIONAL PREPAREDNESS MONTH

and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City of Silverton to be affixed this 12th day of September, 2016.

Mayor Rick Lewis