



# CITY COUNCIL MEETING

October 06, 2026 at 7:00 PM

Boardman City Hall Council Chambers

## AGENDA

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Zoom Meeting Link: <https://us02web.zoom.us/j/2860039400?omn=89202237716>

This meeting is being conducted with public access in-person and virtually in accordance with Oregon Public Meeting Law. If remote access to this meeting experiences technical difficulties or is disconnected and there continues to be a quorum of the council present, the meeting will continue.

The meeting location is accessible to persons with disabilities. Upon request of an individual who is deaf or hard of hearing, accommodations such as sign language or equipment for the hearing impaired must be requested at least 48 hours prior to the meeting. To make your request, please contact the City Clerk at 541-481-9252 (voice), or by e-mail at [city.clerk@cityofboardman.com](mailto:city.clerk@cityofboardman.com).

### 1. CALL TO ORDER

### 2. FLAG SALUTE

### 3. ROLL CALL

### 4. PREARRANGED PRESENTATIONS

A. Morrow County School District - Boardman

B. Morrow County - Water Services

C. Boardman Chamber of Commerce Contract Discussion

### 5. PUBLIC COMMENT

INVITATION FOR PUBLIC COMMENT – The mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.

A. Public Comment

### 6. CONSENT AGENDA

A. Consent Agenda

Council Workshop Minutes September 1, 2026

Council Meeting Minutes September 1, 2026

### 7. ACTION ITEMS - ORDINANCES

- [A.](#) Ordinance 16-2026 An Ordinance Amending the Boardman Municipal Code to Add Abatement Provisions as Part of Title 1 General Provisions
- [B.](#) Ordinance 17-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 5 Business Regulation
- [C.](#) Ordinance 18-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 10 Vehicles, Traffic, Parking and Public Safety
- [D.](#) Ordinance 20-2026 An Ordinance Amending The Boardman Municipal Code to Amend Title 3 Revenue and Finance Chapter 3.08 System Development Charges

**8. ACTION ITEMS - RESOLUTIONS**

- [A.](#) Resolution 25-2026 A Resolution Adopting Revisions To The City Of Boardman Public Works Standard Drawings

**9. ACTION ITEMS - OTHER BUSINESS**

- [A.](#) B2H Temporary Construction Easement Extension

**10. FINANCIAL REPORT**

- [A.](#) Finance Report - August 2026

**11. CITY MANAGER REPORT**

- [A.](#) City Manager Report & Discussion
  - Municipal Code - Title 6 Animal Control
  - Beautification Proclamation
  - Municipal Code - Chapter 8.06 Vegetative Management
  - Housing Advisory Committee

**12. MAYOR AND COUNCIL COMMENTS**

**13. ADJOURNMENT**

**The City pays the Chamber to provide services that help promote and support Boardman. In simple terms, the Chamber is expected to:**

- Provide visitor and relocation information.
- Help promote Boardman and local businesses.
- Organize community events and business activities.
- Assist new and existing businesses.
- Welcome and provide information to prospective developers.
- Represent Boardman at regional and statewide meetings.
- Report to the City Council each quarter on its activities and services.

The City currently pays the Chamber **\$125,000 per year** for these services.

**The Chamber displays accountability to the City by:**

- Providing **quarterly invoices and activity reports** to the City Council.
- Explaining what events, promotions, and services were completed.
- Having a Chamber representative available to **answer Council questions** when requested.
- Following all applicable local, state, and federal laws.
- Remaining responsible for its own employees, contracts, taxes, and operating obligations.
- Being subject to the City's ability to **terminate the agreement with 90 days' notice** if the partnership is not working as intended.

In simple terms, the main accountability measure is that the Chamber must regularly show the Council **what it did, what services it provided, and what the City is paying for**.

## RESOLUTION NO. 15- 2004

A RESOLUTION ENTERING FINDINGS OF A PUBLIC PURPOSE IN CERTAIN  
INFORMATIONAL, ORGANIZATIONAL AND REPRESENTATION SERVICES

WHEREAS the City of Boardman keeps and maintains the usual public works,  
operations and services of an incorporated City in Oregon,  
AND WHEREAS, the City of Boardman enters the following

## FINDINGS OF FACT

1. The City has recently expanded both a domestic water supply system and a wastewater disposal system and relies on user fees and property tax revenues to keep and maintain such systems.
2. Both of such systems are underutilized;
3. Underutilization of such systems makes them unnecessarily inefficient and expensive;
4. The City of Boardman provides for land use designations, zoning restrictions and building code inspections for the orderly development of residential, commercial and industrial uses within the City;
5. Substantial portions of the City remain undeveloped for residential, commercial and industrial uses;
6. Such undeveloped areas within the City are interspersed with some development, poorly clustered, which strain efficient operation of the City's infrastructure;
7. The City of includes a system of parks and other recreational facilities within and about the City which facilities are underutilized;
8. Private recreational activities and opportunities are limited;
9. Such underutilization and limited opportunity for recreational, cultural and heritage enjoyment adversely impact the residents and visitors to the City;
10. Private commercial and business entities lack diversity, selection and competitive pricing;
11. Private commercial and business entities are economically depressed and disadvantaged due to nearby larger neighboring communities;
12. City residents are inconvenienced by the lack of business diversity and are endangered by the need to travel to competitive shopping;
13. A more robust residential, commercial and industrial base would solidify the City's tax base and assure more efficient ownership and operation of its public facilities;

14. City staff is limited in time and expertise,
15. Other entities and organizations in the Boardman community are staffed and capable of providing information about the City of Boardman and its infrastructure; are adept at organizing events to enhance the recreational, cultural and heritage opportunities for City residents and visitors; and are motivated to aid and assist in the further development of residential, commercial
16. The following specific services (A) Wide spread information about the City's infrastructure, undeveloped land inventory, residential, commercial and industrial economies, demographics and other features; (B) Organization of various groups, organizations and volunteers contributing to the recreational, cultural and heritage for the City's residents, businesses and visitors; and (c) Representation of the Boardman community by individuals and organizations independent of the City of Boardman; are in the public interest of the City of Boardman, and serve the public health, safety and welfare of the City and could be performed directly by City staff, funded by general operating revenues.
17. To perform the foregoing services directly would require additional City staff and out-of-pocket expense in an unknown amount.
18. The sum of \$60,000.00 is a reasonable sum to budget for the following services.
19. The following services can be performed by contract with one or more other entities and organizations within the Boardman community, effectively measured, performed for a public purpose and at a reasonable cost:

Information Services:

1. Provide relocation packets (residential, commercial and industrial)
2. Operate a Visitor Information Center (walk in, mail, & phone requests)
3. Sponsor Web Site content
4. Provide General Information in a Membership Directory

Organizational activities:

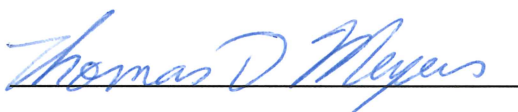
1. Organize one or more major celebrations
2. Conduct monthly luncheons with a general interest speaker
3. Sponsor Business-after-hours open to the general public
4. Provide Business Solutions for present and potential business entities

Representation activities:

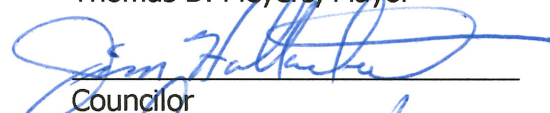
1. Deliver new resident information packets
2. Greet and entertain prospective developers
3. Attend regional and state-wide meetings

NOW THEREFORE, the City of Boardman may contract with other entities and organizations within the Boardman community for one or more of the foregoing services at a cost to the City which is reasonable and appropriate, given the staff time, cost of materials, and other expenses avoided by the City in so contracting.

DATED, this 4<sup>th</sup> day of May, 2004.



Thomas D. Meyers, Mayor



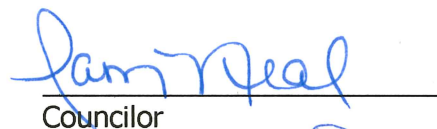
Councilor



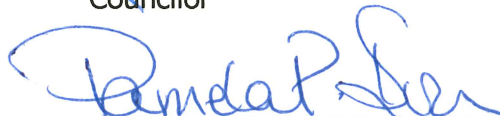
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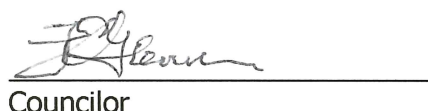
Councilor



Councilor



Councilor



Councilor

ATTEST:



Lila Killingbeck, Recorder

MEMORANDUM OF UNDERSTANDING BETWEEN  
CITY OF BOARDMAN AND BOARDMAN CHAMBER OF COMMERCE

WHEREAS, the City Council of the City of Boardman passed Resolution No. 15-2004 on May 4, 2004;

WHEREAS, Resolution No. 15-2004 entered Findings of Public Purpose to allow the City of Boardman to contract with other entities and organizations within the Boardman Community to provide services in fulfillment of those public purposes;

WHEREAS, the City of Boardman (hereinafter City) now wishes to enter into a Memorandum of Understanding with the Boardman Chamber of Commerce (hereinafter Chamber) to provide services to the City in fulfillment of some of the public purposes set forth in Resolution No. 15-2004.

NOW, THEREFORE, the parties hereby agree as follows:

1. Term. The term of this Agreement shall commence on July 1, 2023, and continue through June 30, 2028, unless sooner terminated as hereinafter provided.

2. Services. The Chamber shall provide services to the City as authorized in Resolution No. 15-2004.

3. Invoice and Quarterly Reports. The Chamber shall provide quarterly invoices and reports to the City Council, detailing the activities of the Chamber, the events and attractions which have been promoted by the Chamber. The quarterly report shall be made available to the City Council at the first regularly scheduled Council meeting of each quarter. The City Council may request and the Chamber shall provide a representative to answer any questions the Council may have regarding such report.

4. Payment. The City shall pay to the Chamber for the services provided the sum of \$125,000 each year this Agreement is in effect payable in quarterly payments of \$31,250.00 within ten (10) days of receipt of the quarterly invoice. In the event of termination of this Agreement during any annual term of the Agreement, the fee for services shall be prorated as of the date of termination.

5. Joint Committee. Any services which the City does not deem to fall within the services set forth in Exhibit 1 shall be reviewed by joint committee consisting of the Chamber executive director, three Chamber board members, the City manager, mayor, and two members of the City Council.

6. Independent Contractor. Chamber is deemed an independent contractor and not an employee, agent, partner or a joint venture with the City. Any and all contracts of Chamber with third parties entered into during the term of this Agreement shall be the sole obligation of

Chamber and shall not be an obligation of City. Chamber shall not represent any third parties it has the power or authority to contractually bind the City.

7. Federal, State and Local Payroll Taxes and Withholdings. Chamber shall withhold or pay on behalf of its employees: (a) Federal, state, and local taxes; or (b) any other payroll tax or other tax or assessment of any kind. Chamber shall be solely responsible for all proper withholding of taxes and other assessments from the wages of its employees required by federal and state laws and regulations.

8. Termination. This Agreement may be terminated by either party by giving the other ninety (90) days' advance written notice. In the event Chamber terminates this Agreement, it shall be obligated to complete any pending or partially completed services.

9. Notices. Any notice required by the or given in connection with this Agreement shall be given in writing and shall be delivered either by hand to the other party or by certified mail, return receipt requested, addressed to a party at the following addresses:

City of Boardman  
Attn.: City Manager  
P.O. Box 229  
Boardman, OR 97818

Boardman Chamber of Commerce  
Attn.: Board President  
P.O. Box 1  
Boardman, OR 97818

10. Indemnification. Chamber agrees to indemnify, defend, and hold City, its officers, employees, councilors and agents harmless from and against any and all loss, damage, injury, cost or expenses, including attorney fees, which arise out of Chamber's performance under this Agreement.

11. Compliance with Law. The Chamber shall comply with all local, state and federal laws, ordinances, state statutes and regulations applicable to the services provided pursuant to this Agreement.

12. Assignment. Neither party shall be entitled to assign its rights and obligations under this Agreement to any person or entity without prior written consent of the other. The consent of either party shall not be unreasonably withheld or delayed.

13. Integration. It is agreed and understood that this Agreement contains all agreements, promises and understandings between City and Chamber, and that no verbal or oral agreements, promises or understandings shall be binding upon either party in any dispute, controversy or proceeding at law, and any addition, variation, or modification to this Agreement shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of this Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights and such party shall have the right to enforce such rights at any time and take such action as may

be lawful and authorized under this Agreement, either in law or in equity.

14. Attorneys' Fees. If any action or other proceeding shall be instituted relating to any term or condition of this Agreement or relating to any of the rights, duties or obligations arising under it, the prevailing party shall be entitled to recover and the other party agrees to pay to the prevailing party, whether or not the matter proceeds to final judgment, in addition to costs and disbursements allowed by law, such sum as the trial and each appellate court may adjudge reasonable as attorneys' fees in such action or other proceeding and any appeal of it.

15. Authorization to Execute. The persons who have executed this Agreement represent and warrant that they are duly authorized to execute it in their individual or represented capacity as indicated.

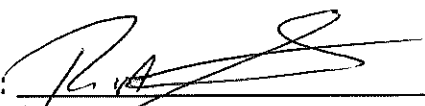
16. Titles and Headings. The captions contained in this Agreement are inserted for convenience only and are not intended to be part of the Agreement. They shall not affect or be utilized in the construction or interpretation of the Agreement.

17. Execution of Agreement. This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement. The exchange of copies of this Agreement and of signature pages by electronic transmission will constitute effective execution and delivery of this Agreement as to the parties and may be used in lieu of the original Agreement for all purposes. Signatures of the parties transmitted electronically will be deemed to be their original signatures for all purposes.

DATED this 18 day of July, 2023.

CITY OF BOARDMAN

BOARDMAN CHAMBER OF COMMERCE

By:   
City Manager:

By: Torrie Griggs  
CEO:



## Re: Council Meeting September 1, 2026

**From** Jonathan Tallman <1stjohn217llc@gmail.com>

**Date** Tue 9/1/2026 6:37 AM

**To** Amanda Mickles <micklesa@cityofboardman.com>

**Cc** Brandon Hammond <HammondB@cityofboardman.com>; kristino@oregonrural.org <kristino@oregonrural.org>; Stephanie Case <CaseS@cityofboardman.com>; HERT Dawn \* DLCD <Dawn.Hert@dlcd.oregon.gov>; Derrin Tallman <derrin@tallman.cx>; kalebl@oregonrural.org <kalebl@oregonrural.org>; INFO DLCD \* DLCD <dlcd.info@dlcd.oregon.gov>; randylbaker55@gmail.com <randylbaker55@gmail.com>; Barrett Dash <microbatchor@gmail.com>

Mayor Keefer, City Council, City Manager Hammond, City Clerk Mickles, Planning Official Case, and DLCD staff:

Please include this follow-up in the complete records identified in my August 26, 2026 submission.

The City appears to be handling these connected infrastructure decisions in separate steps, making it difficult for the public to understand the complete plan.

First, the City announced a Capital Improvement Plan workshop but initially published a packet containing only a one-page agenda. The City has now added a 24-page slideshow containing photographs, project names, and limited maps.

The City also did not include the attachments to my August 26 submission in the updated packet. My submission and attachments were provided several days before the City's stated deadline of 5:00 p.m. on August 31 for comments to be included in the agenda packet.

Those timely attachments include prior City workshop and meeting packets directly related to the CIP, West Glen water service, water and sewer reserves, capital projects, and the City's five-year planning. They are necessary to understand and verify the issues raised in my submission.

Please explain why the City added its own new presentation to the packet but omitted my timely submitted attachments and incorporated supporting records. Please ensure that Council receives the complete submission—not merely the email without its attachments—before discussing these matters.

The newly posted presentation is not a complete Capital Improvement Plan. It provides no project costs, funding sources, construction schedules, capacity calculations, priorities, engineering justification, or explanation of who benefits and who pays.

At 6:00 p.m., Council will discuss these projects during a workshop where no formal decision may be made. One hour later, Council is scheduled to consider Resolution 23-2026, accepting water and wastewater plans from 2015 and 2021 as the factual basis for the current Comprehensive Plan update.

Later, the City may point to these separate actions and claim that:

- The utility plans were officially accepted;

- Current capital projects were publicly presented;
- Council discussed the projects in an open meeting; and
- The public had an opportunity to comment.

In practical terms, the City is placing individual pieces into the record now that may later be presented as evidence that the overall infrastructure plan was publicly reviewed.

The problem is that the public still has not received enough information to understand or meaningfully evaluate that overall plan. The City's omission of my timely supporting attachments further limits the information available to Council and the public.

The newly posted presentation does not answer:

- What each project will cost;
- Who will pay for it;
- Which developments will benefit;
- Whether residents and ratepayers will subsidize growth-related infrastructure;
- How much water and wastewater capacity remains;
- Whether existing, approved, and proposed data centers were included;
- How West Glen, Kunze, River Ridge, Unity, housing, annexation, roads, and utility extensions fit together;
- How the listed projects relate to the Transportation System Plan and Goal 11; or
- Why major projects described in other City records are missing from the presentation.

This procedure is not necessarily unlawful merely because the matters are divided between a workshop and a regular meeting. However, the City should not characterize the plans and workshop as informal or nonbinding now and later treat them as proof that infrastructure capacity, Goal 11 compliance, service areas, annexation policies, capital projects, or public acceptance were already established.

The public deserves to see the complete plan before the City relies upon it—not after its separate pieces have already been discussed, accepted, or incorporated into later decisions.

I therefore renew my requests that the City:

1. Publish the complete five-year CIP and all supporting cost, funding, scheduling, capacity, and prioritization information;
2. Add my complete and timely August 26 submission, including every attachment, to the appropriate meeting packet and public records;
3. Confirm that each Council member received and can access the complete submission and attachments before the meetings;
4. Explain why my timely attachments were omitted while the City's new presentation was added;
5. Identify the exact date and time the new workshop materials were posted;
6. Identify all materials provided to Council that were not simultaneously provided to the public;
7. Explain how the workshop presentation relates to Resolution 23-2026 and the Comprehensive Plan update;
8. Postpone Resolution 23-2026 until the complete information is available for meaningful public review;
9. Keep the record open for responses to information first disclosed shortly before or during the workshop;

10. Preserve the complete presentation, recording, staff statements, Council discussion, q direction, and any consensus; and

Section 5, Item A.

11. Ensure that the City does not later characterize this late and incomplete disclosure as a full public review of its infrastructure plans.

Nothing in this follow-up withdraws or narrows my August 26 submission. All previously stated objections, requests, attachments, and incorporated references remain in effect.

Please confirm receipt, explain the omission of my attachments, and provide this supplement and my complete August 26 submission to Council before tonight's workshop and regular meeting.

Respectfully,

Jonathan Tallman

On Wed, Aug 26, 2026 at 6:27 AM Jonathan Tallman <[1stjohn217llc@gmail.com](mailto:1stjohn217llc@gmail.com)> wrote:

Mayor Keefer, Boardman City Council, City Manager Hammond, City Clerk Mickles, Planning Official Case, and DLCD staff:

Please include this email, every attachment and every incorporated reference in the complete public records for:

1. The September 1, 2026, 6:00 p.m. City Council workshop concerning the Capital Improvement Plan;
2. The September 1, 2026, 7:00 p.m. City Council meeting, including Resolution 23-2026;
3. The Comprehensive Plan and Development Code updates;
4. Goal 11 Public Facilities planning;
5. The Housing Capacity Analysis;
6. Transportation System Plan implementation and County coordination;
7. The Main Street IAMP refinement;
8. West Glen water-service and annexation planning;
9. The Kunze Lane, Kunze well and related water-infrastructure records; and
10. Any related post-acknowledgment plan amendment, annexation, utility-extension, capital-improvement or public-facilities proceeding.

This submission includes and incorporates the following supporting records:

- May 13, 2026 City Council workshop packet concerning water service outside City limits and West Glen;
- June 2, 2026 City Council meeting packet, including the proposed May 13 workshop minutes and 2025-2026 capital-project information;
- June 9, 2026 City Council special-meeting packet, including adopted-budget materials, water and sewer reserve information, CIP references and my June 4 written submission; and
- City Clerk Amanda Mickles's August 25, 2026 email announcing the September 1 workshop and regular-meeting packets.

I object to the City discussing an unpublished Capital Improvement Plan during the 6:00 p.m. workshop and then, one hour later, considering Resolution 23-2026 to adopt the 2015 Water System

Master Plan and 2021 Wastewater Facilities Plan as the “official factual basis” for the ongoing Comprehensive Plan update.

The City Clerk’s August 25 email states that the meeting packets are available, but the publicly available workshop packet contains only a one-page agenda. It does not contain the Capital Improvement Plan, staff report, project tables, maps, funding sources, capacity analysis or supporting material.

The City Clerk’s email also states that additional documents may be added to the regular-meeting packet later in the week. The public cannot meaningfully evaluate these interconnected matters when the current CIP is unavailable and other substantive documents may be added shortly before the meetings.

I request that Council postpone Resolution 23-2026 until the complete CIP and current water and wastewater information are published and these objections are answered through findings supported by an adequate factual basis and substantial evidence, as applicable.

Threshold question concerning the legal effect of Resolution 23-2026

Before Council acts, please state expressly whether Resolution 23-2026 is:

1. Merely a non-land-use administrative acceptance of background information that does not amend the Comprehensive Plan, adopt binding Goal 11 elements, establish capacity, determine a service area, approve any project or affect future public objections; or
2. The formal adoption or amendment of a public-facilities-plan supporting document or Comprehensive Plan component.

If the first description applies, the resolution should expressly state that it does not establish Goal 11 compliance, determine current water or wastewater capacity, approve a project or service area, authorize annexation, establish annexation as a utility-service condition or foreclose later challenges to the plans’ accuracy.

If the second description applies, please identify:

- The applicable Goal 11 and local Comprehensive Plan criteria;
- The DLCD/PAPA identification number;
- The date the proposal was submitted to DLCD;
- The public notice provided;
- The applicable public-hearing procedure;
- The findings required;
- The date the decision will become final; and
- The applicable appeal forum and deadline.

These objections specifically raise compliance with Statewide Planning Goals 1, 2 and 11; OAR chapter 660, division 11, including OAR 660-011-0010 and OAR 660-011-0045; and the post-acknowledgment procedures in ORS 197.610 through 197.625 and OAR chapter 660, division 18.

OAR 660-011-0045 distinguishes between adopting a public-facilities plan as a supporting document and adopting certain binding elements as part of the Comprehensive Plan. Those binding elements include the public-facility project list, project locations or service areas, and policies or agreements identifying the provider of each public-facility system.

The City should not characterize the plans as nonbinding background information during proceeding and later treat their maps, service areas, projects, capacity assumptions or provider arrangements as binding Comprehensive Plan decisions.

1. The unpublished CIP and Resolution 23-2026 are directly connected

The CIP identifies what infrastructure the City currently intends to design, construct and fund. The 2015 Water System Master Plan and 2021 Wastewater Facilities Plan contain the assumptions the City proposes to accept as the factual basis for future public-facility policies and planning decisions.

The public must be allowed to compare:

- Current projects with the projects identified in the older plans;
- Current costs with the original estimates;
- Current population and development demand with the older projections;
- Current funding sources with the older financing assumptions;
- Current capacity with the capacity described in the older plans;
- Current annexation and utility-extension proposals with the service areas in the older plans; and
- Projects presently under design or construction with projects described as conceptual or long-range.

That comparison is impossible without the complete CIP.

2. The City's own June budget confirms that a five-year CIP already exists

The June 9 budget packet calls the budget the "roadmap" planned by City leadership and states that planning for capital projects begins a year before construction.

The Street Fund discussion states that the completed Transportation System Plan and the Anderson Perry pavement analysis were used to create the City's Capital Improvement Plan and prioritize road work for the following five years.

This establishes that a substantive five-year CIP, or at least the underlying five-year project schedule and priorities, already exists.

The City should therefore explain:

- Why the existing five-year CIP was omitted from the September 1 workshop packet;
- Whether the September workshop concerns that CIP or a different version;
- When the existing CIP was created;
- Whether it was formally approved;
- Whether it has been amended;
- Which version Council will discuss;
- Whether Council members already received it; and
- Where the public can inspect the complete document and supporting analysis.

3. The City should identify all materials provided to Council but not the public

Please identify:

- When Council members received the CIP;

- Every document, presentation, spreadsheet, project list, financing table and map presented to Council for the workshop;
- Whether Council received materials that were not simultaneously published for the public;
- Whether additional materials will be distributed before or during the workshop;
- Whether the complete CIP will be published before the workshop;
- Whether oral public comment will be accepted during the workshop; and
- Whether written comments submitted before the workshop will be provided to Council before deliberations begin.

If staff introduces new substantive evidence during the workshop or regular meeting, that information should be published immediately and the record should remain open for a meaningful written response.

The City should not later state that these matters were “already discussed” at the workshop when the public lacked the underlying documents and no workshop public-comment opportunity was identified.

4. The May 13 West Glen materials show that the CIP and capacity information were already used in major infrastructure planning

The May 13 workshop packet concerned extending Boardman water service outside City limits to West Glen.

The presentation stated:

- Approximately \$3.85 million had been secured for infrastructure;
- The project could produce approximately 100 additional City ratepayers;
- The project could affect future bond considerations;
- The extension would add at least 1.5 miles of pipe;
- The line would connect through the River Ridge area toward Kunze Lane, West Glen and potentially Paul Smith Road;
- The project would pay for water infrastructure and connections within West Glen;
- The project would improve system redundancy and fire protection; and
- An intergovernmental agreement would address project design and engineering.

The feasibility study states that, following discussions with the Boardman Public Works Department and review of recent water-quality reports and the City’s CIP, it was determined that the City had sufficient capacity and that no immediate expansion of production or storage would be required.

This raises material questions:

- Which CIP did the consultants review?
- Is it the CIP being discussed on September 1?
- Why is it absent from the September workshop packet?
- What calculations supported the finding of sufficient capacity?
- What production, storage, transmission, fire-flow and emergency assumptions were used?
- Did the calculations include all approved but unbuilt development?
- Did they include River Ridge, Unity, Columbia View, Wilson Lane and West Glen?
- Did they include existing and future data-center and industrial demand?
- What capacity remains after all committed and reasonably foreseeable demand is included?

- Was the capacity determination independently reviewed by the City engineer, Oregon Authority or another qualified agency?

The City should publish the CIP and capacity evidence relied upon by the West Glen feasibility study before adopting Resolution 23-2026.

5. The June 2 packet does not adequately document the May 13 discussion

The June 2 packet includes proposed minutes for the May 13 workshop. Those minutes identify the subject and presenters but do not describe:

- The substance of the presentation;
- Council questions;
- Council members' views;
- Council direction or consensus;
- The three ownership and operational options;
- Annexation implications;
- The asserted available capacity;
- The funding already secured;
- Potential bond implications;
- The proposed intergovernmental agreement; or
- The relationship to the CIP and utility plans.

Please preserve and include the complete May 13 recording, transcript, presentation, notes, emails, written communications and Council direction.

A statement that a presentation occurred is not a meaningful substitute for the substance of the presentation and Council deliberations.

6. The City has been on notice of these coordination concerns since at least June 4

The June 9 packet includes my June 4 written submission asking the City to explain the distinction between projects described as "conceptual" and projects already being funded, designed, engineered, permitted or constructed.

That submission requested clarification and records concerning the relationship among:

- The Transportation System Plan;
- Columbia View;
- Housing Advisory Committee recommendations;
- Water planning;
- Wastewater planning;
- Clean Water Consortium activities;
- Capital improvement projects;
- Growth assumptions; and
- Infrastructure under design, construction, implementation or funding.

I also requested reports, engineering plans, CIP schedules, funding agreements, development agreements, intergovernmental agreements and implementation plans connecting those subjects.

These concerns were raised before Resolution 23-2026. Before proceeding, the City should identify:

- What responsive information was produced;
- What findings or staff determinations were made;
- How my earlier questions were addressed;
- How those concerns were incorporated into the September proposal; and
- Why the complete CIP remains unavailable.

7. The June budget identifies millions of dollars in growth-related infrastructure commitments

The June 9 budget materials disclose that:

- Approximately \$1 million from the sale of the Tower Road property was earmarked to transfer water rights from North Main Street to City-owned property on Kunze Road;
- Kunze Road was selected based on growth projections and the concentration of existing wells on the north side;
- Construction of the Kunze well is estimated at approximately \$1 million;
- Approximately \$1 million from an anticipated Columbia River Enterprise Zone III community-development contribution was earmarked for the Water Reserve;
- Approximately \$616,600 in anticipated CREZ III funds was allocated to Sewer Reserve projects;
- The City purchased northeast and southwest Boardman property for approximately \$3.9 million;
- A \$1.6 million interfund loan assisted the City's northeast Boardman development plans;
- New streets, sidewalks and utilities are being installed on City-owned development property;
- Significant water, sewer, reservoir, lift-station and roadway projects are funded or advancing; and
- Multiple data centers were anticipated during the fiscal year.

These facts establish that water, wastewater, transportation, land acquisition, housing, enterprise-zone revenue and economic-development implementation are already interconnected.

The City should disclose how these commitments appear in the CIP and whether they are consistent with the 2015 and 2021 plans.

8. The 2015 Water System Master Plan is too old to establish present conditions without updated findings

The proposed water plan is approximately eleven years old. Since 2015, material changes have occurred involving:

- River Ridge and Unity development and occupancy;
- Columbia View and proposed cottage clusters;
- Approximately 240 proposed multifamily units on Wilson Lane;
- Other approved but unbuilt housing;
- West Glen water-service planning;
- Major industrial and data-center development;
- New wells, pipelines and utility projects;
- Water-right transfers;
- Source-water and nitrate concerns;
- Increased construction employment and temporary housing demand;
- Water-rate increases; and
- New funding and infrastructure commitments.

The City should identify which 2015 population, land-use, employment, water-demand, in demand, fire-flow, capacity, financing and service-area assumptions remain accurate.

Formally adopting an old report does not establish that its assumptions remain true in 2026.

9. The City is already preparing newer water documents

The City Manager's report identifies a Water Management Plan underway at an estimated cost of \$50,000 and the Kunze well in design at an estimated cost of approximately \$1 million.

The City should explain:

- Why it is adopting the 2015 plan before completing the current Water Management Plan;
- Whether the current work identifies changed conditions or deficiencies;
- Whether the Kunze well was contemplated in the 2015 plan;
- What demand projections justify the well;
- Which customers or developments it will serve;
- How it relates to the Kunze Lane and West Glen infrastructure;
- How the water-right transfer affects capacity;
- Whether the project affects existing customers, rates or available capacity; and
- Whether the newer document will replace, supplement or contradict the 2015 plan.

10. The 2021 Wastewater Facilities Plan may no longer represent present conditions

The City Manager's report states that a new Wastewater Facility Plan is underway. The City is also proceeding with:

- New lagoon headworks;
- Lift Station 4 and Lift Station 6 work;
- Wastewater and irrigation automation;
- New development;
- Columbia View;
- Wilson Lane multifamily development;
- Annexation and West Glen planning; and
- Continued industrial and data-center growth.

The City should disclose all known:

- Capacity constraints;
- Inflow and infiltration issues;
- Treatment limitations;
- Disposal and land-application requirements;
- Lagoon needs;
- Planned expansions;
- Regulatory requirements; and
- Capital costs.

If the 2021 plan remains sufficient, the City should explain why a new plan is necessary. If it is no longer sufficient, the City should not adopt it as a current factual basis without updated evidence and express qualifications.

11. The plans must account for cumulative data-center and industrial demand

The City should disclose whether the 2015 and 2021 plans include:

- Existing, approved and proposed data-center campuses;
- Potable and non-potable industrial demand;
- Peak-day and peak-hour demand;
- Cooling demand and discharge;
- Construction-period demand;
- Fire-flow requirements;
- Wastewater generation and treatment;
- Employee and contractor housing;
- Related hotel, RV, food-service and commercial demand; and
- Connected regional infrastructure outside City limits.

The City should provide one cumulative accounting of:

- Existing demand;
- Committed capacity;
- Approved but unbuilt development;
- Reasonably foreseeable development;
- Reserved industrial capacity;
- Available and certificated water rights;
- Dependable production and storage;
- Wastewater treatment and disposal capacity;
- Emergency and fire-flow needs;
- Project costs and funding; and
- Remaining capacity for residents and small businesses.

## 12. Regional coordination and private infrastructure commitments must be disclosed

The record should explain relevant coordination with:

- Morrow County;
- The Port of Morrow;
- The Morrow County Clean Water Consortium;
- DLCD;
- ODOT;
- Oregon Health Authority;
- DEQ;
- Umatilla Electric Cooperative;
- Major industrial and data-center developers; and
- Other infrastructure providers.

Please disclose relevant final and draft:

- Intergovernmental agreements;
- Service agreements;
- Development agreements;
- Funding agreements;
- Memoranda;
- Letters of intent;
- Engineering commitments;

- Reimbursement arrangements;
- Confidentiality agreements; and
- Infrastructure commitments.

To the extent the City intends to rely on an agreement, communication, analysis or commitment that is not contained in the public packet, I object to that reliance unless the material is disclosed and placed in the record.

My request for disclosure in this submission does not waive my right to submit a separate public-records request. I am not asking Council to adjudicate public-records exemptions during the September 1 meeting. I am objecting to the use of undisclosed information as part of the claimed factual basis for Council's decision.

The factual basis cannot be complete if material assumptions or infrastructure commitments remain outside the public record.

### 13. The City must explain the complete Kunze and West Glen water system

The record should explain the relationship among:

- CUP25-000002 and the Kunze booster station;
- The Kunze well;
- The water-right transfer to Kunze Road;
- The Kunze Lane waterline;
- The River Ridge connection point;
- West Glen distribution infrastructure;
- The possible Paul Smith Road extension;
- City and County ownership options;
- The proposed intergovernmental agreement; and
- Related Port or regional infrastructure.

The City should identify:

- The source and destination of the water;
- Whether each component carries potable or non-potable water;
- The customers and developments served;
- Pipeline locations and easements;
- Ownership and maintenance responsibilities;
- Construction and operating costs;
- Funding sources;
- Whether components were divided among different approvals;
- Whether annexation is anticipated; and
- Whether the project affects capacity available to other properties.

### 14. The plans are directly relevant to West Glen and future annexation

The 2015 Water System Master Plan defines the future water-service area as including the existing service area and the entire Urban Growth Boundary. It discusses undeveloped residential, commercial and industrial land outside City limits but within the UGB.

The West Glen feasibility study states that West Glen is outside City limits but within Boardman's urban growth area. It recommends extending Boardman's water system and evaluates City ownership, County ownership and a County-owned/City-operated system.

Before adopting Resolution 23-2026, the City should explain:

- Whether West Glen is included in the future service area;
- Whether the CIP includes West Glen infrastructure;
- Whether the project assumes eventual annexation;
- Whether the City intends to require annexation for new, continued or upgraded service;
- What ordinance, Comprehensive Plan policy, intergovernmental agreement or utility policy authorizes such a condition;
- Whether adequate water and wastewater capacity presently exists to serve West Glen;
- Who would pay for extensions, connections, operation, maintenance and system improvements;
- Whether agreements or understandings have been reached with property owners;
- Why the 2021 wastewater plan identifies customers outside City limits if annexation is claimed to be required for service; and
- Whether these plans will later be cited to support annexation or conditioning utility service.

Resolution 23-2026 must not later be used to claim that the public already accepted an annexation or utility-service strategy that was not clearly identified in the September 1 notice.

Acceptance of clean water by West Glen residents must not be characterized as acceptance of annexation, additional costs, abandonment of non-potable well use or undisclosed utility-service conditions.

#### 15. Source-water and groundwater protection must be integrated

The Council authorized submission of a draft Source Water Protection Plan on August 4, 2026. The City should explain how that plan relates to Resolution 23-2026, the Kunze projects and West Glen.

The record should address:

- Nitrate contamination;
- Wellhead-protection areas;
- Industrial and agricultural risks;
- Wastewater lagoons and land application;
- Potential contamination sources;
- Monitoring;
- Emergency and redundant supplies;
- Effects of additional pumping; and
- Financial responsibility for protection and remediation.

#### 16. Housing and actual occupancy must be reconciled with available capacity

The City should identify whether its calculations include:

- Actual Unity occupancy;
- River Ridge phases and connections;
- Columbia View;

- Cottage clusters;
- The proposed Wilson Lane project;
- Other approved but unbuilt housing;
- Temporary construction-worker demand;
- West Glen connections;
- Annexation areas; and
- The City's projected housing need.

Housing, annexation and infrastructure cannot be planned separately.

#### 17. Serviceability should be evaluated parcel by parcel

The City should disclose:

- Which buildable parcels can presently receive water and sewer;
- Which parcels require extensions;
- Extension costs and timing;
- Whether annexation is required;
- Whether adequate transportation access exists;
- Whether improvements are publicly or privately funded;
- Whether certain property owners or developments receive preferential assistance; and
- Whether land is counted as buildable even though it cannot realistically be served.

Land should not be called buildable merely because it appears on a map.

#### 18. Transportation and public-facility planning must be coordinated

The City should explain how the utility plans and CIP relate to:

- The Transportation System Plan;
- County co-adoption and pending proceedings;
- Project R-25;
- Wilson Road and NE Devin loop-road planning;
- Main Street IAMP alternatives;
- Exit 159 and Exit 165;
- Planned utility corridors;
- West Glen annexation; and
- Access restrictions affecting existing properties.

The City should disclose whether utility infrastructure has been sized or located to promote particular transportation alignments, annexations or developments.

#### 19. The City must explain the legal effect of Resolution 23-2026

The City should state:

- Whether the plans are being incorporated into the Comprehensive Plan;
- Whether they are supporting documents only;
- Whether their maps, projects, service areas and assumptions will be binding;
- Whether future decisions will rely on them;
- Whether Resolution 23-2026 is a land-use decision or post-acknowledgment plan amendment;

- Whether notice was provided to DLCD;
- Whether a land-use hearing and findings are required;
- What appeal rights apply; and
- Whether the public will receive another meaningful opportunity to challenge the plans.

The City should not describe the plans as informal supporting documents now and later treat them as binding evidence.

If the resolution amends or functions as part of the Comprehensive Plan or public-facilities plan, the City should follow the applicable post-acknowledgment procedures.

If the City believes those procedures do not apply, the resolution should expressly state that it:

- Does not amend the Comprehensive Plan;
- Does not adopt the required Goal 11 project list, service-area descriptions or provider policies;
- Does not establish Goal 11 compliance;
- Does not establish present capacity;
- Does not approve any project, annexation or utility extension; and
- Does not foreclose later public challenges.

#### 20. Public participation is inadequate without the CIP and updated information

The agenda bill summarizes more than 100 megabytes of technical material in only a few paragraphs. The proposed resolution contains no substantive findings addressing capacity, current demand, water rights, costs, annexation, West Glen, industrial development or changed circumstances.

The public should receive:

- The complete CIP;
- A substantive staff report;
- Updated capacity tables;
- A comparison of projections with actual conditions;
- Identification of outdated assumptions;
- All new documents;
- Sufficient time for written and oral responses;
- Answers to objections; and
- An open record period if significant new evidence is introduced.

#### 21. Earlier committee and workshop records must be complete

If the City relies on the Housing Advisory Committee, PAC, TAC, consultants, BCDA, the Clean Water Consortium or earlier workshops, the record should include:

- Notices and agendas;
- Complete minutes;
- Presentations;
- Recordings and transcripts;
- Written comments;
- Parcel analyses;
- Drafts and redlines;

- Consultant communications;
- Recommendations;
- Data and modeling inputs; and
- Council direction or consensus.

A summary stating that a presentation occurred is not a substitute for the evidence, testimony and discussion underlying the resulting recommendation or decision.

## 22. The “no fiscal impact” statement is incomplete

The agenda bill states that Resolution 23-2026 has no budget or fiscal impact. That statement is incomplete if adoption of the plans supports capital projects, utility extensions, rate increases, annexation, system-development charges or development obligations.

The City should disclose:

- Every capital project identified in the plans;
- Original and updated costs;
- Completed, delayed or abandoned projects;
- Funding gaps;
- Ratepayer contributions;
- Developer contributions;
- System-development-charge revenue;
- Grants, loans and settlement proceeds;
- West Glen funding;
- Enterprise-zone contributions;
- Data-center and industrial infrastructure costs; and
- Whether residents subsidize infrastructure principally serving large industrial users or new development.

## 23. Adoption should not prejudice later public objections

If Council proceeds, Resolution 23-2026 should expressly state that:

- Adoption does not establish that every assumption remains accurate;
- The plans are not incorporated into the Comprehensive Plan by this resolution;
- The public may challenge the plans during the Comprehensive Plan proceeding;
- Adoption does not establish Goal 11 compliance;
- Adoption does not establish capacity for any development;
- Adoption does not authorize annexation, a utility extension or a capital project;
- Adoption does not approve the West Glen project;
- Adoption does not establish annexation as a service condition; and
- Adoption does not foreclose objections based on new or undisclosed evidence.

Requested action

I request that the City Council:

1. Postpone Resolution 23-2026.
2. Publish the complete five-year CIP and all workshop materials before Council discussion.
3. Identify every document provided to Council but not simultaneously provided to the public.

4. Release updated water and wastewater capacity analyses.
5. Compare the plans' assumptions with actual 2026 conditions.
6. Disclose cumulative residential, commercial, industrial and data-center demand.
7. Identify approved but unbuilt development and all reserved capacity.
8. Disclose the complete West Glen, Kunze Lane, Kunze well and related infrastructure plans.
9. Disclose relevant agreements, funding arrangements and intergovernmental coordination to the extent the City intends to rely on them.
10. Integrate the Source Water Protection Plan and current groundwater information.
11. Complete the newer Water Management Plan and Wastewater Facility Plan, or explain through an adequate factual basis and substantial evidence, as applicable, why the City should act before those documents are complete.
12. State whether Resolution 23-2026 is a non-land-use administrative action or the adoption or amendment of a public-facilities-plan supporting document or Comprehensive Plan component.
13. If the resolution constitutes or will function as a post-acknowledgment plan amendment, provide proper DLCD and public notice and identify the DLCD/PAPA number.
14. If the resolution affects the Comprehensive Plan, Goal 11 or a supporting document, hold a noticed public hearing with a meaningful opportunity to review and respond to the technical evidence.
15. Keep the record open if new substantive information is introduced.
16. Adopt detailed findings responding to the applicable issues in this letter.
17. Preserve the complete May 13 and September 1 recordings, presentations, materials, emails and Council discussions.
18. Preserve this submission and every attachment in all related records.
19. If Council adopts Resolution 23-2026, provide me with the signed resolution, agenda bill, incorporated documents and findings, together with written notice stating:
  - The date the decision becomes final;
  - Whether the City considers it a land-use decision;
  - Whether the City considers it a post-acknowledgment plan amendment;
  - The applicable appeal forum and deadline; and
  - Any DLCD/PAPA identification number.
20. Provide individual written notice of every future hearing, workshop, meeting, proposed amendment and final decision involving reliance on these plans, Goal 11, the CIP, West Glen, Kunze infrastructure, annexation or related utility-service policies.

Please retain my contact information on the interested-person list for each proceeding.

Please confirm receipt, confirm that Council members will receive this submission and its attachments before the September 1 discussions, identify each record into which the submission will be placed and advise whether oral public comment will be accepted during the 6:00 p.m. workshop.

This submission is intended to provide detailed notice of the issues raised. However, my request that it be preserved in related records should not be interpreted as relieving the City of its obligation to provide required notice in later proceedings, and it does not waive my right to resubmit, supplement or incorporate these objections during any later proceeding.

Until these questions are answered, Resolution 23-2026 does not provide a reliable, transparent or adequately supported factual basis for Boardman's 2026 Comprehensive Plan and Goal 11 planning.

Respectfully,

Jonathan Tallman

Attachments:

1. City Council Workshop Packet — May 13, 2026, Water Service Outside City Limits/West Glen.
2. City Council Meeting Packet — June 2, 2026, including May 13 workshop minutes and 2025-2026 capital-project information.
3. City Council Special Meeting Packet — June 9, 2026, including adopted-budget materials, water and sewer reserve information, CIP references and Jonathan Tallman's June 4 written submission.
4. Amanda Mickles email dated August 25, 2026 announcing the September 1 workshop and regular-meeting packets.



## CITY COUNCIL WORKSHOP

September 01, 2026 at 6:00 PM  
Boardman City Hall Council Chambers  
**AGENDA**

- 
1. CALL TO ORDER
  2. ROLL CALL/EXCUSED ABSENCES
  3. REPORTS, CORRESPONDENCE, AND DISCUSSION
    - A. Capital Improvement Plan
  4. ADJOURNMENT

----- Forwarded message -----

From: **Amanda Mickles** <[micklesa@cityofboardman.com](mailto:micklesa@cityofboardman.com)>

Date: Tue, Aug 25, 2026 at 4:57 PM

Subject: Council Meeting September 1, 2026

To:

Good afternoon,

The packets for the meetings scheduled on Tuesday, September 1, 2026, are now available for your review. Additional documents may be added to the regular meeting packet later this week. Please watch for an email notification regarding any updates.

Section 5, Item A.

[Workshop 6:00 PM](#)

[Regular Meeting 7:00 PM](#)

**Your Voice Matters** - Community members may submit electronic public comments for City meetings. To be included in the agenda packet, comments must be received by 5:00 p.m. the day before the meeting.

As always, please let me know if you have any questions or concerns. See you on Tuesday!

**Amanda Mickles**

City Clerk | [City of Boardman](#)



PO Box 229 | [200 City Center Circle](#)

[Boardman, OR 97818](#)

PH: (541) 481-9252

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

## AGENDA BILL

### City Council Meeting – October 6, 2026

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**Subject:** Consent Agenda

**Category:** Consent Agenda

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

The consent agenda is used for routine items that do not typically require separate discussion by the City Council. Items listed on the consent agenda may be approved together with one motion, unless a Council member requests that an item be removed for separate consideration.

**Attachment:**

Minutes - Council Workshop September 1, 2026

Minutes - Council Meeting September 1, 2026

**Recommendation:**

Approve

**Proposed Council Motion:**

I move to approve the consent agenda as presented.



## CITY COUNCIL WORKSHOP

September 01, 2026 at 6:00 PM

Boardman City Hall Council Chambers  
**MINUTES**

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### 1. CALL TO ORDER

Mayor Keefer called the meeting to order at 6:00 PM.

### 2. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Cristina Cuevas, Councilor Michael Hughes, Councilor Brenda Profitt

Councilors Absent: Councilor Richard Rockwell

### 3. REPORTS, CORRESPONDENCE, AND DISCUSSION

#### A. Capital Improvement Plan

City Manager Hammond lead a discussion about the current status of projects related to the CIP and guidance on future priorities.

### 4. ADJOURNMENT

Mayor Keefer adjourned the meeting at 6:55 PM.

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Paul Keefer, Mayor

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Amanda Mickles, City Clerk



# CITY COUNCIL MEETING

September 01, 2026 at 7:00 PM

Boardman City Hall Council Chambers

## MINUTES

### 1. CALL TO ORDER

Mayor Keefer called the meeting to order at 7:00 PM.

### 2. FLAG SALUTE

### 3. ROLL CALL

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Cristina Cuevas, Councilor Michael Hughes, Councilor Brenda Profitt, Councilor Isavel Gonzalez (joined the dais after appointment and Oath of Office at 7:14 PM)

Councilors Absent: Councilor Richard Rockwell

### 4. ACTION ITEM - COUNCIL VACANCY

#### A. Appoint Councilor Term Ending 12/31/2026 – Timestamp: 0:51

Council interviewed the 2 candidates to fill the Council Vacancy. Council did a role call vote, Gonzalez 5, Jones 0.

Motion to appoint Isavel Gonzalez as a Council Member for the remainder of the term ending December 31, 2026.

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt

#### B. Oath of Office – Timestamp: 11:54

Mayor Keefer administered the Oath of Office to Isavel Gonzalez. Councilor Gonzalez took her place on the dais at 7:14 PM.

### 5. COMMITTEE REPORT

#### A. Housing Advisory Committee – Timestamp: 14:14

Nathan Wildfire with Missing Middle Housing Fund provided an update.

### 6. PUBLIC COMMENT

#### A. Public Comment – Timestamp: 51:39

There was none.

#### B. Correspondence

#### C. Boardman Chamber of Commerce August 2026 – Timestamp: 53:33

Chamber CEO Torrie Griggs provided an update.

#### D. Boardman Community Development Association August 2026 - Report Only – Timestamp: 1:05:01

BCDA Director Torrie Griggs provided an update.

## 7. CONSENT AGENDA

### A. Consent Agenda – Timestamp 1:08:37

City Council Workshop Minutes August 4, 2026

City Council Meeting Minutes August 4, 2026

Motion to approve the consent agenda as presented.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

## 8. ACTION ITEMS - ORDINANCES

### A. Ordinance 14-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 8 Health and Safety – Timestamp: 1:09:03

Motion to approve the reading by title only of Ordinance 14-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 8 Health and Safety.

Motion made by Councilor Cuevas, Seconded by Councilor Hughes.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

City Manager Hammond read the title.

Motion to adopt Ordinance 14-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 8 Health and Safety.

Motion made by Councilor Cuevas, Seconded by Councilor Hughes.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

### B. Ordinance 15-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 10 Vehicles and Traffic – Timestamp: 1:10:54

Motion to approve the reading by title only of Ordinance 15-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 10 Vehicles and Traffic.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

City Manager Hammond read the title.

Motion to adopt Ordinance 15-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 10 Vehicles and Traffic.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

## 9. ACTION ITEMS - RESOLUTIONS

### A. Resolution 22-2026 A Resolution Declaring City of Boardman Personal Property as Excess – Timestamp: 1:12:37

Motion to approve Resolution 22-2026 A Resolution Declaring City of Boardman Personal Property as Excess.

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

- B. Resolution 23-2026 A Resolution Adopting the 2015 Water System Master Plan and the 2021 Wastewater Facilities Plan – Timestamp: 1:14:13

Motion to approve Resolution 23-2026 A Resolution Adopting the 2015 Water System Master Plan and the 2021 Wastewater Facilities Plan.

Motion made by Councilor Cuevas, Seconded by Councilor Profitt.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

- C. Resolution 24-2026 A Resolution Establishing An Animal Impoundment Fee And Repealing Prior Resolutions Setting Such Fees – Timestamp: 1:17:04

Motion to approve Resolution 24-2026 A Resolution Establishing An Animal Impoundment Fee And Repealing Prior Resolutions Setting Such Fees.

Motion made by Councilor Baumgartner, Seconded by Councilor Profitt.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

## 10. ACTION ITEMS - OTHER BUSINESS

- A. Update Bank Signers – Timestamp: 1:22:53

Motion to update the account signers and custodians on City of Boardman accounts at Banner Bank and Money Market Account at the Bank of Eastern Oregon by removing Karen Pettigrew and adding Isavel Gonzalez.

Motion made by Councilor Cuevas, Seconded by Councilor Baumgartner.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

- B. Appoint Housing Advisory Committee Member – Timestamp: 1:23:31

Motion to appoint Isavel Gonzalez to the Housing Advisory Committee.

Motion made by Councilor Hughes, Seconded by Councilor Profitt.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

- C. Appoint CREZ II Member – Timestamp: 1:24:07

Motion to appoint Brenda Profitt as the member of CREZ II.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

- D. BCDA Pickleball Lease – Timestamp: 1:25:25

Motion to approve City Manager Hammond to sign the Pickleball Court Property Lease Agreement with the Boardman Community Development Association.

Motion made by Councilor Baumgartner, Seconded by Councilor Profitt.  
 Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

E. League of Oregon Cities - Legislative Priorities – Timestamp: 1:26:09

Council voted on their top 5 legislative priorities as follows: Administrative Procedures Act Reform - 5 votes, Public Meetings Law Clarity - 6 votes, Full Funding and Streamlining For Housing Production - 6 votes, Infrastructure Funding - 6 votes, and Water Reuse - 3 votes.

Motion to authorize City Manager Hammond to submit the Council’s top five legislative priorities, as selected by the Council, to the League of Oregon Cities.

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Profitt, Councilor Gonzalez

11. FINANCIAL REPORT

A. Finance Report - July 2026 – Timestamp: 1:30:38

Finance Director Barajas gave the financial report.

12. CITY MANAGER REPORT

A. City Manager Report & Discussion – Timestamp: 1:33:20

City Manager Hammond gave his report and led a discussion regarding the Municipal Code proposed language presented.

B. Municipal Code Discussion – Timestamp: 1:35:41

Title 10 - Noise

Mobile Food Vendor Unit Language

13. MAYOR AND COUNCIL COMMENTS

Timestamp: 1:55:08

Mayor Keefer gave comment.

14. ADJOURNMENT

Mayor Keefer adjourned the meeting at 9:02 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk

## AGENDA BILL

### City Council Meeting – October 6, 2026

---

**Subject:** Ordinance 16-2026 An ordinance amending the Boardman municipal code to add abatement provisions as part of Title 1 General Provisions

**Category:** Action Items- Ordinances

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Ordinance 16-2026 amends Title 1, Chapter 1.16 of the Boardman Municipal Code to establish a consistent process for abatement of code violations, including procedures for summary abatement when necessary. The amendment replaces prior abatement provisions that were inconsistent or conflicted with other sections of the Municipal Code and aligns the City's abatement process with current practices and Oregon law. The ordinance also authorizes administrative corrections for codification and takes effect immediately upon adoption to ensure abatement procedures are in place.

**Attachments:**

Ordinance 16-2026

Chapter 1.16 DRAFT Adding Abatement Procedures 09282026

Chapter 1.16 Adding Abatement Procedures CLEAN 09282026

**Budget/Fiscal Impact:**

NA

**Recommendation:**

Approve

**Proposed Council Motion:**

**Step 1** - Reading into the record

I move to approve the reading by title only of Ordinance 16-2026 An Ordinance Amending the Boardman Municipal Code to Add Abatement Provisions as Part of Title 1 General Provisions.

**Step 2** – Staff member reads title of Ordinance

**Step 3** – Adoption

I move to adopt Ordinance 16-2026 An Ordinance Amending the Boardman Municipal Code to Add Abatement Provisions as Part of Title 1 General Provisions.

## CHAPTER 1.16: CODE COMPLIANCE

### 1.16.010 Purpose

The purpose of this chapter is to assist the citizens of the community to comply with the provisions of the Boardman Municipal Code (BMC) and the Boardman Development Code (BDC). Further, this chapter is intended to protect the citizens from unhealthy or dangerous conditions; to protect the property values of the homes and businesses within the community; to carry out the policies of the city as they are embodied elsewhere in this code; to provide a fast, fair, and impartial adjudication of alleged city code violations; and to provide persons adversely impacted by administrative determinations and decisions with an effective and impartial appeal and review of the legality and appropriateness of the determination.

### 1.16.020 Code Provisions Enforceable Under this Chapter; Division Staffing.

- A. The following code provisions shall be enforced under the provisions of this chapter:
  - 1. Transient Merchants under Section 5.04 of the BMC;
  - 2. Animal Control under Section 6.04 of the BMC;
  - 3. Public Nuisances under Section 8.04 of the BMC;
  - 4. Water Service System under Section 13.04 of the BMC;
  - 5. Sewer Service System under Section 13.08 of the BMC;
  - 6. Underground Wiring Control District under Section 13.12 of the BMC;
  - 7. Solid Waste under Section 13.20 of the BMC; and
  - 8. Building Code under Section 15.04 of the BMC.
- B. Division Staffing.
  - 1. Staff for the code compliance program will be assigned by the city manager. The lead role in administration and oversight of the code compliance program shall be vested in the city manager who may assign the lead role to a city department head.
  - 2. Police department officers will also enforce certain areas of the Boardman Municipal Code under the oversight of the police chief of the Boardman Police Department. Police officers shall report to their designated supervisors within the police department.

### 1.16.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates otherwise:

“City” means the City of Boardman.

“Code violation” means commission of an act or omission to act that constitutes a violation of a provision of the code and which is required to be enforced in accordance with the procedures established under this chapter.

“Code” means the Boardman Municipal Code (BMC) and Boardman Development Code (BDC), including as amended.

“Code compliance officer” means a designated employee or contractor of the city who works to ensure code compliance and otherwise enforce against code violations under this chapter.

“Person” means any natural person or persons, firm, partnership, association or corporation.

“Responsible party” means the person(s) responsible for curing or remedying a code violation and may include:

- A. The owner(s) of the property or the owner's manager or agent or other person in control of the property on behalf of the owner;
- B. The person(s) occupying the property including bailee, lessee, tenant or other person having possession; and/or
- C. The person(s) alleged to have committed or authorized the commission of the code violation

#### **1.16.040 Complaint of Code Violations.**

Whenever a violation of the code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the code compliance officer. The code compliance officer shall record properly such complaint, immediately investigate, and take action thereon as provided in this chapter.

#### **1.16.050 Investigation; Notice.**

Inspections. The code compliance officer shall have authority to inspect and investigate potential code violations. The provisions of this chapter shall not be deemed to restrict the right of the city to inspect any property pursuant to any applicable federal, state, or local laws or regulations.

Entering Private Property; Administrative Warrants. The code compliance officer may enter any property or building at any reasonable time for the purpose of inspection of an alleged code violation. The code compliance officer must obtain the consent of the legal occupant of the property before entering private property or a private building. If the code compliance officer cannot obtain consent, the code compliance officer shall seek an administrative warrant from the Morrow County Justice Court, or other court of competent jurisdiction, to inspect the property based upon cause, supported by an affidavit and motion describing with particularity:

- A. The position and authority of the person applying for the administrative inspection warrant;
- B. The code or other legal authority requiring or authorizing the inspection or investigation;
- C. The place, building or property to be inspected or investigated; and
- D. The purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect or investigate.
  - 1. Cause shall be deemed to exist when there is probable cause to believe that a code violation exists.
  - 2. Prior to seeking an administrative inspection warrant, the code enforcement official shall consult with the city attorney and obtain approval and assistance in preparing the affidavit and warrant documents.

**Notice of Violation.** Upon becoming aware of a code violation, the code compliance officer shall serve notice of such violation on the responsible party via first class and classified mail. If the responsible party is not the property owner, a copy of the notice shall also be sent to the owner. Such notice shall, at minimum, contain the following:

- A. A description of the real property, by street address or otherwise, on which the violation is occurring;
- B. A description of the alleged violation and the relevant code provisions;
- C. A description of the corrective action required;
- D. A deadline to complete the corrective actions;
- E. A statement that, unless the violation has been corrected by the stated deadline, the city may initiate a formal complaint as provided in Section 1.20; and
- F. Contact information for the code compliance officer.

#### **1.16.060 Voluntary Compliance.**

A. The city promotes voluntary compliance and prompt correction of violations in a consistent and fair practice. The code compliance officer may enter into a written agreement with the responsible party to resolve the problems which gave rise to the reported code violation. The agreement shall be known as a voluntary compliance agreement. A voluntary compliance agreement shall be binding on the responsible party.

B. If the responsible party enters into a voluntary compliance agreement, the responsible party's signing of such agreement shall not be considered an admission of having committed an infraction for any purpose.

C. The city shall hold further processing of the alleged code violation in abeyance for the responsible party to complete the necessary correction action during the time specified in the voluntary compliance agreement. If all terms of the voluntary compliance agreement are satisfied during the time specified, the city shall take no further action concerning the alleged code violation other than the steps necessary to terminate the case.

D. All voluntary compliance agreements shall be reviewed by the city manager prior to execution.

E. The failure to comply with any term of the voluntary compliance agreement constitutes a code violation and shall be handled in accordance with the procedures established in this chapter.

#### **1.16.070 Failure to Correct.**

**Hearings Officer Complaint.** If a responsible party fails to correct a code violation as required or otherwise fails to comply with the provisions of a voluntary compliance agreement authorized hereunder, the code compliance officer may initiate a formal complaint against the responsible party as provided in Section 1.20 [Code Hearings Officer or initiate abatement as outlined below at 1.16.080](#).

Citation under ORS 153. In lieu of a Hearings Officer Complaint as provided in Section 1.20, the city may cite into a court of competent jurisdiction any responsible party that fails to correct a code violation hereunder pursuant to the provisions of ORS 153.

### **1.16.080 Abatement Procedure**

#### **A. Notice**

1. Upon determination by the city manager or designee that a nuisance exists, a notice shall be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
2. At the time of posting, a copy of the notice shall be forwarded by registered or certified mail, postage prepaid, to the person responsible at his or her last-known address.
3. The notice to abate shall contain:
  - a. A description of the real property, by street address or otherwise, on which the nuisance exists;
  - b. A direction to abate the nuisance within ten (10) days from the date of the notice;
  - c. A description of the nuisance;
  - d. A statement that, unless the nuisance is removed, the city may abate the nuisance, and the cost of abatement will be charged to the person responsible;
  - e. A statement that the person responsible may protest the order to abate by giving notice to the city clerk within ten (10) days from the date of the notice;
  - f. A statement that failure to abate a nuisance will warrant issuance of a citation to appear in court.
4. If the person responsible is not the owner, additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
5. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting, respectively.
6. An error in the name or address of the person responsible, or a claim that mailed notice to abate was not received, shall not make the notice void, and in such case the posted notice shall be sufficient.

#### **B. Abatement by the person responsible**

1. Abatement Procedure.

- a. Within ten (10) days after the posting and mailing of such notice, as provided in Boardman Municipal Code Section 1.16.080(A) Notice, the person responsible shall remove the nuisance or show that no nuisance exists.
  - b. To protest that no nuisance exists, a person responsible must file with the city clerk -a written statement that specifies the basis for protesting. The written protest statement must be filed within ten (10) days from the date of the notice to abate.
  - c. Any written protest statement properly filed in response to a notice to abate shall be referred to the Code Hearings Officer. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Code Hearings Officer. The Code Hearings Officer shall determine whether a nuisance, in fact, exists and the determination shall be entered in the official minutes of the Code Hearings Officer. Determination shall be required only in those cases where a written statement has been filed as provided, within ten (10) days from the date of the notice to abate.
  - d. If the Code Hearings Officer determines that a nuisance does, in fact, exist, the person responsible shall, within ten (10) days after the determination, abate the nuisance.
2. Joint Responsibility. If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

C. Abatement by the city.

1. If within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the Code Hearings Officer may cause the nuisance to be abated.
2. The city official(s) charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property in accordance with all laws, including search and seizure laws, to investigate or cause the removal of a nuisance.
3. The city clerk shall keep an accurate record of the expenses incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expenses for administrative overhead.
4. The city shall have the authority to dispose of all seized property in any lawful manner and shall, if practical, attempt to obtain salvage value for material that has a fair market value of more than \$100 per item.

D. Assessment of costs.

1. The city clerk, by registered or certified mail, postage prepaid, shall forward to the owner and person in charge of the property a notice stating:

- a. The total cost of abatement, including the administrative overhead;
  - b. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
  - c. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the city clerk not more than ten (10) days from the date of the notice.
2. Upon the expiration of ten (10) days after the date of the notice, the Code Hearings Officer in the regular course of business shall hear and determine the objections to the costs to be assessed.
  3. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the Code Hearings Officer shall be forwarded to the City Council for action by resolution and shall thereupon be entered in the docket of city liens, and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.
  4. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of ten (10) percent per annum. Such interest shall commence to run from date of the entry of the lien in the lien docket.
  5. An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

E. Other methods of collecting abatement costs.

The costs assessed for abatement of a violation may be collected pursuant to ORS 30.310 or 30.315.

F. Summary abatement.

1. The city may summarily abate any violation or nuisance on any property or premises which a city manager or designee, in the exercise of reasonable discretion, determines poses an imminent danger or threat to the public's health, safety or welfare. In the event a city manager or designee makes such a determination, it shall be set out in writing and at a minimum include information on the following:
  - a. The location of the property where the violation constituting the imminent threat or danger is located;
  - b. The nature of said violation or condition; and
  - c. The attempts, if any, to contact the owner of the property and the reason(s) why said owner or responsible person did not abate the violation.

2. In the event the city manager or designee makes the above written determination, the city need not provide pre-abatement notice; however, the city shall provide notice to the owner of the property within 10 days after the city's abatement of the violation. Said notice shall include the following:
  - a. A copy of the written determination;
  - b. A brief description of the action(s) the city took to abate the violation; and
  - c. The costs, if known, incurred by the city to abate the violation.
3. The city manager or designee shall have the right at reasonable times to enter into or upon property in accordance with all laws, including search and seizure laws, to investigate or cause the removal of a violation. The city shall have the authority to dispose of all seized property in any lawful manner and shall, if practical, attempt to obtain salvage value for material that has a fair market value of more than \$100.00 per item.

CITY OF BOARDMAN  
ORDINANCE NO. 16-2026

AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE TO ADD  
ABATEMENT PROVISIONS AS PART OF TITLE 1 GENERAL PROVISIONS

**WHEREAS**, the City of Boardman ("City") has authority granted by the Boardman Charter of 2024; and

**WHEREAS**, the City has an adopted Municipal Code which regulates code enforcement and provides the code compliance process within Title 1 General Provisions; and

**WHEREAS**, the City has recently amended Chapter 1 General Provisions and Title 8 Health and Safety removing two sets of provisions that regulated Abatement that were not consistent and conflicted with other Municipal Code provisions; and

**WHEREAS**, this amendment incorporates an Abatement process that is consistent with recent practice and provisions within Oregon Revised Statute.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

**Section 1 Affected and Attached Documents.** After full consideration of the matter, the City Council of the City of Boardman adopts changes to:

- **Title 1 General Provisions Chapter 1.16** adding procedures that outline how abatement, including summary abatement, would occur. It is attached as **Exhibit A**.

**Section 2 Scrivner's Corrections.** The City Council authorizes the City Manager or designee to take all administrative actions necessary to correct any typographical errors, scrivener's errors, or formatting errors and to take all administrative actions necessary to codify these amendments within the Boardman Municipal Code.

**Section 3 Emergency Declaration and Effective Date.** This ordinance shall take effect immediately upon adoption, or 12:00 am October 7, 2026, to assure that the City of Boardman has Abatement measures in place.

Passed by the Council and approved by the Mayor, this 6<sup>th</sup> day of October, 2026.

\_\_\_\_\_  
Paul Keefer, Mayor

ATTEST:

\_\_\_\_\_  
Amanda Mickles, City Clerk

## CHAPTER 1.16: CODE COMPLIANCE

### 1.16.010 Purpose

The purpose of this chapter is to assist the citizens of the community to comply with the provisions of the Boardman Municipal Code (BMC) and the Boardman Development Code (BDC). Further, this chapter is intended to protect the citizens from unhealthy or dangerous conditions; to protect the property values of the homes and businesses within the community; to carry out the policies of the city as they are embodied elsewhere in this code; to provide a fast, fair, and impartial adjudication of alleged city code violations; and to provide persons adversely impacted by administrative determinations and decisions with an effective and impartial appeal and review of the legality and appropriateness of the determination.

### 1.16.020 Code Provisions Enforceable Under this Chapter; Division Staffing.

- A. The following code provisions shall be enforced under the provisions of this chapter:
  - 1. Transient Merchants under Section 5.04 of the BMC;
  - 2. Animal Control under Section 6.04 of the BMC;
  - 3. Public Nuisances under Section 8.04 of the BMC;
  - 4. Water Service System under Section 13.04 of the BMC;
  - 5. Sewer Service System under Section 13.08 of the BMC;
  - 6. Underground Wiring Control District under Section 13.12 of the BMC;
  - 7. Solid Waste under Section 13.20 of the BMC; and
  - 8. Building Code under Section 15.04 of the BMC.
- B. Division Staffing.
  - 1. Staff for the code compliance program will be assigned by the city manager. The lead role in administration and oversight of the code compliance program shall be vested in the city manager who may assign the lead role to a city department head.
  - 2. Police department officers will also enforce certain areas of the Boardman Municipal Code under the oversight of the police chief of the Boardman Police Department. Police officers shall report to their designated supervisors within the police department.

### 1.16.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates otherwise:

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“Code” means the Boardman Municipal Code (BMC) and Boardman Development Code (BDC), including as amended.

“Code compliance officer” means a designated employee or contractor of the city who works to ensure code compliance and otherwise enforce against code violations under this chapter.

“Person” means any natural person or persons, firm, partnership, association or corporation.

“Responsible party” means the person(s) responsible for curing or remedying a code violation and may include:

- A. The owner(s) of the property or the owner's manager or agent or other person in control of the property on behalf of the owner;
- B. The person(s) occupying the property including bailee, lessee, tenant or other person having possession; and/or
- C. The person(s) alleged to have committed or authorized the commission of the code violation

#### **1.16.040 Complaint of Code Violations.**

Whenever a violation of the code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the code compliance officer. The code compliance officer shall record properly such complaint, immediately investigate, and take action thereon as provided in this chapter.

#### **1.16.050 Investigation; Notice.**

Inspections. The code compliance officer shall have authority to inspect and investigate potential code violations. The provisions of this chapter shall not be deemed to restrict the right of the city to inspect any property pursuant to any applicable federal, state, or local laws or regulations.

Entering Private Property; Administrative Warrants. The code compliance officer may enter any property or building at any reasonable time for the purpose of inspection of an alleged code violation. The code compliance officer must obtain the consent of the legal occupant of the property before entering private property or a private building. If the code compliance officer cannot obtain consent, the code compliance officer shall seek an administrative warrant from the Morrow County Justice Court, or other court of competent jurisdiction, to inspect the property based upon cause, supported by an affidavit and motion describing with particularity:

- A. The position and authority of the person applying for the administrative inspection warrant;
- B. The code or other legal authority requiring or authorizing the inspection or investigation;
- C. The place, building or property to be inspected or investigated; and
- D. The purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect or investigate.
  - 1. Cause shall be deemed to exist when there is probable cause to believe that a code violation exists.
  - 2. Prior to seeking an administrative inspection warrant, the code enforcement official shall consult with the city attorney and obtain approval and assistance in preparing the affidavit and warrant documents.

**Notice of Violation.** Upon becoming aware of a code violation, the code compliance officer shall serve notice of such violation on the responsible party via first class and classified mail. If the responsible party is not the property owner, a copy of the notice shall also be sent to the owner. Such notice shall, at minimum, contain the following:

- A. A description of the real property, by street address or otherwise, on which the violation is occurring;
- B. A description of the alleged violation and the relevant code provisions;
- C. A description of the corrective action required;
- D. A deadline to complete the corrective actions;
- E. A statement that, unless the violation has been corrected by the stated deadline, the city may initiate a formal complaint as provided in Section 1.20; and
- F. Contact information for the code compliance officer.

#### **1.16.060 Voluntary Compliance.**

A. The city promotes voluntary compliance and prompt correction of violations in a consistent and fair practice. The code compliance officer may enter into a written agreement with the responsible party to resolve the problems which gave rise to the reported code violation. The agreement shall be known as a voluntary compliance agreement. A voluntary compliance agreement shall be binding on the responsible party.

B. If the responsible party enters into a voluntary compliance agreement, the responsible party's signing of such agreement shall not be considered an admission of having committed an infraction for any purpose.

C. The city shall hold further processing of the alleged code violation in abeyance for the responsible party to complete the necessary correction action during the time specified in the voluntary compliance agreement. If all terms of the voluntary compliance agreement are satisfied during the time specified, the city shall take no further action concerning the alleged code violation other than the steps necessary to terminate the case.

D. All voluntary compliance agreements shall be reviewed by the city manager prior to execution.

E. The failure to comply with any term of the voluntary compliance agreement constitutes a code violation and shall be handled in accordance with the procedures established in this chapter.

#### **1.16.070 Failure to Correct.**

**Hearings Officer Complaint.** If a responsible party fails to correct a code violation as required or otherwise fails to comply with the provisions of a voluntary compliance agreement authorized hereunder, the code compliance officer may initiate a formal complaint against the responsible party as provided in Section 1.20 Code Hearings Officer or initiate abatement as outlined below at 1.16.080.

Citation under ORS 153. In lieu of a Hearings Officer Complaint as provided in Section 1.20, the city may cite into a court of competent jurisdiction any responsible party that fails to correct a code violation hereunder pursuant to the provisions of ORS 153.

### **1.16.080 Abatement Procedure**

#### **A. Notice**

1. Upon determination by the city manager or designee that a nuisance exists, a notice shall be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
2. At the time of posting, a copy of the notice shall be forwarded by registered or certified mail, postage prepaid, to the person responsible at his or her last-known address.
3. The notice to abate shall contain:
  - a. A description of the real property, by street address or otherwise, on which the nuisance exists;
  - b. A direction to abate the nuisance within ten (10) days from the date of the notice;
  - c. A description of the nuisance;
  - d. A statement that, unless the nuisance is removed, the city may abate the nuisance, and the cost of abatement will be charged to the person responsible;
  - e. A statement that the person responsible may protest the order to abate by giving notice to the city clerk within ten (10) days from the date of the notice;
  - f. A statement that failure to abate a nuisance will warrant issuance of a citation to appear in court.
4. If the person responsible is not the owner, additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
5. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting, respectively.
6. An error in the name or address of the person responsible, or a claim that mailed notice to abate was not received, shall not make the notice void, and in such case the posted notice shall be sufficient.

#### **B. Abatement by the person responsible**

1. Abatement Procedure.

- a. Within ten (10) days after the posting and mailing of such notice, as provided in Boardman Municipal Code Section 1.16.080(A) Notice, the person responsible shall remove the nuisance or show that no nuisance exists.
- b. To protest that no nuisance exists, a person responsible must file with the city clerk a written statement that specifies the basis for protesting. The written protest statement must be filed within ten (10) days from the date of the notice to abate.
- c. Any written protest statement properly filed in response to a notice to abate shall be referred to the Code Hearings Officer. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Code Hearings Officer. The Code Hearings Officer shall determine whether a nuisance, in fact, exists and the determination shall be entered in the official minutes of the Code Hearings Officer. Determination shall be required only in those cases where a written statement has been filed as provided, within ten (10) days from the date of the notice to abate.
- d. If the Code Hearings Officer determines that a nuisance does, in fact, exist, the person responsible shall, within ten (10) days after the determination, abate the nuisance.

2. Joint Responsibility. If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

C. Abatement by the city.

1. If within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the Code Hearings Officer may cause the nuisance to be abated.
2. The city official(s) charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property in accordance with all laws, including search and seizure laws, to investigate or cause the removal of a nuisance.
3. The city clerk shall keep an accurate record of the expenses incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expenses for administrative overhead.
4. The city shall have the authority to dispose of all seized property in any lawful manner and shall, if practical, attempt to obtain salvage value for material that has a fair market value of more than \$100 per item.

D. Assessment of costs.

1. The city clerk, by registered or certified mail, postage prepaid, shall forward to the owner and person in charge of the property a notice stating:

- a. The total cost of abatement, including the administrative overhead;
  - b. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
  - c. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the city clerk not more than ten (10) days from the date of the notice.
2. Upon the expiration of ten (10) days after the date of the notice, the Code Hearings Officer in the regular course of business shall hear and determine the objections to the costs to be assessed.
  3. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the Code Hearings Officer shall be forwarded to the City Council for action by resolution and shall thereupon be entered in the docket of city liens, and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.
  4. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of ten (10) percent per annum. Such interest shall commence to run from date of the entry of the lien in the lien docket.
  5. An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

E. Other methods of collecting abatement costs.

The costs assessed for abatement of a violation may be collected pursuant to ORS [30.310](#) or [30.315](#).

F. Summary abatement.

1. The city may summarily abate any violation or nuisance on any property or premises which a city manager or designee, in the exercise of reasonable discretion, determines poses an imminent danger or threat to the public's health, safety or welfare. In the event a city manager or designee makes such a determination, it shall be set out in writing and at a minimum include information on the following:
  - a. The location of the property where the violation constituting the imminent threat or danger is located;
  - b. The nature of said violation or condition; and
  - c. The attempts, if any, to contact the owner of the property and the reason(s) why said owner or responsible person did not abate the violation.

2. In the event the city manager or designee makes the above written determination, the city need not provide pre-abatement notice; however, the city shall provide notice to the owner of the property within 10 days after the city's abatement of the violation. Said notice shall include the following:
  - a. A copy of the written determination;
  - b. A brief description of the action(s) the city took to abate the violation; and
  - c. The costs, if known, incurred by the city to abate the violation.
3. The city manager or designee shall have the right at reasonable times to enter into or upon property in accordance with all laws, including search and seizure laws, to investigate or cause the removal of a violation. The city shall have the authority to dispose of all seized property in any lawful manner and shall, if practical, attempt to obtain salvage value for material that has a fair market value of more than \$100.00 per item.

## AGENDA BILL

### City Council Meeting – October 6, 2026

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**Subject:** Ordinance 17-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 5 Business Regulations

**Category:** Action Items- Ordinances

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Ordinance 17-2026 amends Title 5 of the Boardman Municipal Code to update and reorganize the City's business regulations. The changes include revisions to transient merchant regulations, new provisions for mobile food vendors/food trucks, and the relocation of certain business-related regulations previously located in Title 8. The amendments are intended to make the Municipal Code clearer, more objective, and more consistent with state law and current City practices. The ordinance will take effect November 5, 2026.

**Attachments:**

Ordinance 17-2026

Title 5 Business Regulations adding MFU and Business Regulations REDLINE 09282026

Title 5 Business Regulations adding MFU and Business Regulations CLEAN 09282026

**Budget/Fiscal Impact:**

NA

**Recommendation:**

Approve

**Proposed Council Motion:**

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**Step 1** - Reading into the record

I move to approve the reading by title only of Ordinance 17-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 5 Business Regulations

**Step 2** – Staff member reads title of Ordinance

**Step 3** – Adoption

I move to adopt Ordinance 17-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 5 Business Regulations

## Title 5 BUSINESS REGULATIONS<sup>1</sup>

### ***Chapter 5.04 TRANSIENT MERCHANT PERMITS AND REGULATIONS***

#### **5.04.010 Purpose.**

This chapter is enacted to ensure that transient merchant activities are conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with public health, safety, and the general welfare of the citizens of Boardman; to secure revenue to assist in defraying the city's cost of administering and enforcing its laws and ordinances and the city's provision of certain municipal services; and to obtain valuable information for emergency responders, planning and building personnel, and economic development.

The chapter also acts to authorize and regulate transient merchants on all property, including city rights-of-way, within the city of Boardman.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.020 Applicability.**

This chapter provides reasonable and necessary regulations for the licensing of transient merchants located within the city of Boardman as described in this chapter. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city of Boardman which is exempt from taxation or regulation by the city by virtue of the constitutions of the United States or the state of Oregon, or applicable federal or state law.

Through this chapter reasonable and necessary regulations will maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public; prevent interference with the peaceful enjoyment of the areas open to the public; and preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city.

The regulations of the chapter are not intended to permit any violation of the provisions of any other law or regulation and apply to activities within the city of Boardman, including city-owned and leased property and rights-of-way.

These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational, or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

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<sup>1</sup>Editor's note(s)—Ord. No. 9-2025, § 1(Exh. A), adopted Nov. 4, 2025, amended the title of Tit. 5 to read as herein set out. The former Tit. 5 title pertained to "Business Licenses and Regulations."

### 5.04.030 Definitions.

As used in this chapter.

"Applicant" means the person applying for a license to conduct a particular business within the city.

"Business" means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted, or carried on within the city.

"Day" means a calendar day unless otherwise noted.

"Doing business" means to engage in any activity in pursuit of profit, gain, livelihood, or any other purpose.

"Income" means the net income arising from any business, as reportable to the state of Oregon for personal income, corporation excise or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for net operating loss carry-forward or carry-back.

"License administrator" is the city appointed authority for reviewing, approving, or denying applications under this title.

"License or permit" means the permission granted by the city under this title to operate, engage, conduct, or carry on a business within the city.

"Licensee or permittee" means an applicant who has received a license or permit under this title.

"Mobile vending unit" is a vehicle or other conveyance that is self-propelled, upon a street or highway and within which ~~food is prepared, processed, or dispensed to consumers or other~~ items are available for sale.

"Mobile vendor" is a mobile vendor which offers ~~food or other~~ items for sale from a mobile vending unit. Mobile Food Vendors are regulated under 5.08 in this Title.

"Permanent location" means professions, trades, occupations, shops for every kind of calling carried on for profit, personal gain, trade or barter and livelihood at a fixed or permanently established place of business maintained within the city.

"Person" means the singular and plural of an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.

"Rights-of-way" means the public streets, alleys, avenues, thoroughfares, highways, places, and grounds located within city which are owned and controlled by city.

"Sidewalk vending unit" is a vehicle or other conveyance that is pushed or can be pulled upon a street or highway and within which ~~food is prepared, processed, or dispensed to consumers or other~~ items are available for sale.

"Sidewalk vendor" is a mobile vendor which offers ~~food or other~~ items for sale from a mobile vending unit, and which can or does routinely change location, and which is located within the public right-of-way and/or property owned by a public entity.

"Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked within the city limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

**5.04.040 Activities required to be licensed, permitted, and regulated.**

- A. Except as exempt under Section 5.04.050 below, it shall be unlawful for any person to engage in transient merchant activity within the city without first having obtained the necessary licenses or permits for the current year as provided under this chapter.
- B. If more than one transient merchant is conducting business on the same premises, each must obtain a separate license.
- C. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a transient merchant activity within the city of which a license or permit fee as levied by this chapter shall be deemed to be engaged in such business and shall be liable for the payment of such license or permit fee and will be subject to the penalties for failure to comply with the requirements of this chapter.
- D. The city may require proof of state registration. An applicant shall possess any county or state license or permit required or shall be awaiting final approval by the state before a city license or permit is issued.
- E. No person shall do transient merchant activities within the city as the employee, agent, or representative of another person unless either the principal or the employee, agent or representative has a current, valid city transient merchant license or permit, no matter where the principal offices of that business are situated.
- F. Home occupations, as permitted uses or conditional uses in the Boardman Development Code, shall be required to obtain any necessary license or permit in accordance with the provisions of this chapter if they are engaged in transient merchant activities.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

**5.04.050 Exemptions.**

The following are exempt from the licensing and permitting requirements:

- A. Transient merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- B. The occasional sales of goods and/or services by local school students related to their school and/or school activities, and/or fundraising sales by local service clubs, groups, and/or charitable nonprofit organizations.
- C. Any political group seeking funds or membership.
- D. The sale of goods, merchandise, and/or food in, on, and/or about a right-of-way directly adjacent to the licensed brick and mortar business conducting the sale.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

**5.04.060 Application requirements.**

Each person desiring to engage in transient merchant activity must apply for a license or permit to operate, engage, conduct, or carry on the activity on such forms and in such manner as the license administrator may prescribe. Applications are submitted online via the city of Boardman website, through an online application portal. The application must be accompanied by the applicable license or permit fee as established in the city of Boardman Fee Schedule. The application submitted through the online portal shall include the following information:

- A. The date of the application;

- B. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent applying on behalf of the applicant;
- C. The name and physical address of the location where the transient merchant will engage in its business activity;
- D. A brief description of the nature of the business;
- E. The date that business operations will commence;
- F. The number of persons employed that will be engaged in the transient merchant activity;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. Identify any local, state, or federal licenses, certificates, registrations, or permits that are required for the business and submit those licenses, certificates, registrations or permits as part of the application;
- I. A verification by signature of the applicant, or authorized agent submitting the application on behalf of the applicant, of the following:
  - 1. The information stated in the application is true, accurate and complete;
  - 2. The business complies with all applicable federal, state, and local laws, regulations, and ordinances;
  - 3. The applicant or authorized agent has read, understands, and agrees to abide by this chapter; and
  - 4. If the applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the applicant;
- J. A notice that the application is a public record, and that the city will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410 through 192.505) and other applicable laws; and
- K. Any other information necessary to enable the license administrator or designee to review the application to determine whether the application should be approved.
- L. Once the application is received, the application fee will be requested and shall be paid prior to any license or permit under this chapter will be issued.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.070 Reserved.**

#### **5.04.075 Reserved.**

#### **5.04.080 Transient merchant requirements.**

With the exception of transient merchants engaging in targeted grazing under Chapter 6.04.130, transient merchants shall not be permitted in residential zones within the city of Boardman. In addition to the application requirements stated above, the following additional information shall be submitted for review.

- A. A description of the nature of the business operation the applicant will conduct.

- B. If prepared food ~~is offered for sale~~, that is not regulated by Chapter 5.08 Mobile Food Units is offered for sale, evidence that the Morrow County Health Department or other applicable state or local agency has approved of the activity.
- C. The location from which the applicant will operate or the area(s) within Boardman that the transient merchant activities will occur.
- D. The length of time the applicant will conduct the business.
- E. The hours of operation.
- F. Authorization of the landowner(s) for placement of a mobile or sidewalk vending unit, if applicable. Mobile vending units cannot be placed in public right-of-way. Sidewalk vending units can be placed on public streets through this permitting process.
- G. A mobile or sidewalk unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways, or drive aisles of any off-street parking area, and shall not be located to create a traffic or safety hazards.
- H. Mobile or sidewalk unit operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within twenty (20) feet of the mobile unit when conducting business. Trash cans or other trash containers shall be available for customer use.
- I. The use of the right-of-way or public property will not interfere with existing utilities, pedestrian use, or pose a hazard to vehicular traffic. The use shall be consistent with the use for which the property is zoned. The location shall be limited to that which was approved on the permit or license.
- J. Proof of general liability insurance and proof of products liability and errors and omissions insurance if applicable to the type of business being conducted.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.085 Reserved.**

#### **5.04.090 Reserved.**

#### **5.04.100 Reserved.**

#### **5.04.110 Application review.**

The license administrator may refer each application to the persons or departments designated by the license administrator for review. The license or permit may not be issued if the business as described in the application would not comply with this title, or other city codes. Issuance of the license or permit itself does not mean the applicant has complied with all federal or state laws, and if it is later determined that the applicant has failed to comply with any federal or state law and fails to correct such violation within thirty (30) days the applicant's license or permit may be revoked as described herein.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.120 Fee schedule.**

- A. An annual license or permit fee is imposed on the act of doing business within the city. The city council will annually establish the fees provided for in this chapter as part of the master fee schedule.

- B. Fees are due at the time of the initial application. Renewal fees are due annually by January 1 of the respective year.
- C. Nothing contained in this chapter shall vest any right in a license or permit as a contract obligation on the part of the city as the amount of the fee. The fees required by this title may be increased or decreased, additional fees may be imposed, and classifications may be changed.
- D. A person operating more than one business shall pay the license or permit fee prescribed for each of the businesses, except as specifically provided by this title.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.130 Approval process.**

- A. Approval of Application.
  - 1. The license administrator shall issue a decision on an application for a license or permit within thirty (30) days of the submission of a complete application and required fee upon a finding that the applicant has submitted all the necessary application material, met all the requirements of this title, and complied with applicable federal, state, and local laws.
  - 2. The license administrator shall issue a license or permit renewal upon finding that the applicant has submitted all the necessary application material, met all the requirements of this title, and complied with applicable federal, state, and local law.
  - 3. If an application for a new license or permit is approved, the license administrator shall notify the applicant through CitizenServe, the online application portal. The notice shall state any conditions or limitations placed on the license or permit as a condition of maintaining the license or permit which the license administrator or other review staff deems necessary to protect the public health, safety, or welfare which is required by this title and applicable federal, state, or local law.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.140 Denial, suspension, or revocation.**

- A. Denial, Suspension, or Revocation of Application. The license administrator may deny, suspend, or revoke a license or permit issued under this title upon finding that:
  - 1. The licensee or permittee fails to meet the requirements of, or is doing business in violation of this title and/or federal, state, or local laws;
  - 2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license or permit;
  - 3. The applicant's past or present violation of law presents a reasonable doubt about their ability to perform the licensed or permitted activity without endangering property or the public health or safety;
  - 4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed or permitted activity; or
  - 5. The licensed or permitted activity would endanger property or the public health or safety.
- B. Notice. The license administrator shall provide written notice to the applicant or licensee or permittee of the denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee or permittee of the right to appeal under Section 5.04.150 of this title. For suspensions or revocations, the notice shall be given at least fifteen (15) days before the action becomes effective. If the

violation ends within fifteen (15) days, the license administrator may discontinue the suspension or revocation proceedings.

- C. **Reapplication.** A person whose application for a business or activity license or permit that has been denied, suspended, or revoked, may, after ninety (90) days from the date of the denial, suspension, or revocation, apply for a license or permit or reinstatement upon payment of the application fee and submission of a complete application.
- D. **Disqualification.** A person whose application for any license or permit under this title that has been denied or whose license has been revoked for a total of two times within one year, or who has a total of four denials, suspensions, or revocations, shall be disqualified from applying for a license or reinstatement for a period of two years from the date of the final denial, suspension, or revocation.
- E. **Summary Suspension.** Upon determining that a licensed or permitted activity presents an immediate danger to a person or property, the license administrator or designee may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee or permittee or being delivered to the licensee or permittee's business address as stated on the application for the license being suspended. Such a notice shall state the reason for the suspension and inform the licensee or permittee of the provisions for appeal as outlined in Section 5.04.150.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.150 Appeal.**

In the event an applicant for a license or permit under this title is denied such license or permit, or in the event a license or permit is suspended or revoked, the applicant or licensee or permittee shall have the right to appeal.

- A. The written notice of appeal to the city manager shall be filed with the license administrator within fourteen (14) days after the license denial, suspension, or revocation.
- B. The appeal shall state:
  - 1. The name and address of the applicant;
  - 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.
- C. The city manager or designee shall review and decide in regard to the appeal within fifteen (15) days of filing.
- D. Final appeal, if filed by the applicant, shall be filed with the city manager's office to be heard by the Boardman City Council. The Boardman City Council will hear the appeal at the next regular meeting of the city council for which there is adequate time to include the appeal information in the council packet. The decision of the city council on the appeal shall be final and conclusive.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.160 Posting and display of license or permit.**

A licensee or permittee shall post the license or permit in a conspicuous place upon the business premises, available for inspection by the public and any employees and prospective employees of the business. When the licensee or permittee has no office, business premises or other established place of business within the city, the

license must be in the possession of the agent or representative of the business who is present in the city at all times during which business is being transacted by the agent or representative in the city. If a licensed or permitted business is based in a motor vehicle, a photocopy of the license must be carried in the motor vehicle.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.170 Violations and penalties.**

- A. Any person convicted of violating any of the provisions of this title shall be punished by a fine as determined in the consolidated fee schedule for any one offense, each day constituting a separate offense.
- B. Offenses under this chapter shall be tried in the Morrow County Justice Court as a violation and not as a crime. As a violation there is no right to a jury trial or court-appointed counsel.
- C. **Entity Responsibility.** An individual person and other entities may act in violation of this title. If the party acting in violation of this title is an entity, the entity shall be subject to fine, abatement or other penalties allowed by this title and by law. In such cases where an entity is the offending party, a citation may be served upon the entity by serving an owner, officer, a person in charge of the premises, or any person or firm designated as an official or agent of the entity. The entity shall be named on the citation. The citation shall require appearance by a representative of the entity at the time indicated on the citation. If a representative fails to appear as required by the citation the city attorney may seek appropriate remedies for the failure to appear and default against the officers, owners and agents of the entity. For application of this section, the term "entity" shall also include corporations, partnerships, limited liability companies or partnerships, associations, sole proprietorships, and other forms of entities.
- D. **Evidence of Doing Business.** In a prosecution for a violation of this title, evidence that the business made a public representation, by way of newspaper, radio, television or similar media advertisement or by signs conspicuously displayed for public view, that the business was being conducted, expressly or impliedly offering to sell goods or services in the course of the business to the public, shall constitute prima facie evidence that the business was transacting the business suggested by the public representation within the city on the date or dates during which the representations were made.
- E. **Inspection and Right of Entry.** Whenever they shall have cause to suspect a violation of any provisions of this title, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed in this title, officials for the enforcement or administration of this title, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the city will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under the authority of a lawful warrant.
- F. **Abatement.** Any business which is established, operated, moved, altered, enlarged, or maintained contrary to the licensing or permitting requirements of this title shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.
- G. **Legal Proceedings by City Attorney.** In addition to the enforcement provisions of this title, upon request by the city council, the city attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this title.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

### **Chapter 5.08 Mobile Food Units**

#### **5.08.010 Purpose.**

The purpose of this Chapter is to regulate individual mobile food vendor units by establishing definitions, identifying locations where they can be sited within the City of Boardman, setting operating standards, and establishing permit requirements.

### **5.08.020 Definitions.**

The following definitions apply to Mobile Food Vendor Units.

**Mobile Food Unit (MFU).** A completely self-contained, motorized vehicle or towable trailer designed and equipped to prepare, cook, and/or serve food items directly to the public for immediate off-site consumption. A MFU relies entirely on its own systems or temporary, approved utility hookups, and does not feature permanent customer interior or exterior dining space, except for limited, temporary outdoor seating as expressly permitted under the standards of this Chapter.

**Type I MFU.** A mobile food unit that operates using fully self-contained onboard systems and generators without semi-permanent utility hookup

**Type II MFU.** A mobile food unit that operates seasonally and may utilize temporary site permissions or basic utility connections

**Type III MFU.** A mobile food unit that operates on a semi-permanent basis and connects to approved temporary utility hookups (such as water, sewer, or shore power).

### **5.08.030 Permitted Zones and Locations, and Approval Requirements.**

Standalone mobile food units (MFUs) are permitted to operate subject to the requirements of this chapter on private property or designated public areas within the following zoning districts: Commercial, Light Industrial, and Industrial.

- A. Standalone MFUs are permitted independently of structured food pods.
- B. Two or more MFUs must be within an approved food pod unless approved as part of an event by the health authority.
- C. A mobile food unit shall maintain all licenses and approvals required by the State of Oregon, County Health Authority, and the Boardman Fire Marshal.

### **5.08.040 Hours of Operation and Duration.**

To remain a welcoming environment for mobile commerce while preventing unauthorized permanent fixtures, the following timing regulations apply:

- A. **Hours of Operation:** There shall be no restriction on the hours of operation for mobile food vendors. Vendors may operate 24 hours a day, provided they maintain compliance with other city ordinances, including noise.
- B. **Duration Types:**
  - A Type I MFU may operate continuously at an approved standalone location for up to 30 consecutive days.

- A Type II MFU may operate continuously at an approved standalone location for up to 90 consecutive days.
- A Type III MFU may operate continuously at an approved standalone location for up to 180 consecutive days.
- Total operations at a single location shall not exceed 180 days within any 12-month period.

#### **5.08.050 Off-Street Parking Requirements.**

To balance traffic safety with vendor accessibility, off-street parking shall be provided as follows:

- A. **Minimum Spaces:** Each standalone mobile food unit operating on a private parcel shall provide a minimum of two (2) designated off-street parking spaces.
- B. **Shared Parking Allowed:** This parking requirement may be satisfied by utilizing existing surplus parking on an already developed commercial or industrial site, provided the food unit does not reduce the host business's parking below its own minimum required code levels.
- C. **Surface Standard:** Parking spaces may consist of compacted gravel, asphalt, or concrete surfaces, provided they are safely accessible from the public right-of-way and that the access point is permitted and constructed to City standards.

#### **5.08.060 Site Standards.**

To ensure compliance with local building codes, structural safety, and food service sanitation frameworks, mobile food vendors must operate strictly under the following layout restrictions:

- A. **No MFU shall be located within 15 feet of a fire hydrant, or within a designated vision clearance triangle at intersections.**
- B. **Outdoor Seating Allowance:** The provision of customer seating by a mobile food vendor or host property owner is permitted strictly under the following conditions:
  - **Capacity Limit:** Seating shall be limited to a maximum total capacity of four (4) people at any given time.
  - **Temporary and Unanchored:** All outdoor seating furniture, such as picnic tables or chairs, must remain entirely unanchored and temporary. No permanent or fixed structures, decks, platforms, roofs, or shelters may be erected around or over the seating area. All furniture must be stored or secured during non-operating hours.
  - **Clearance and Safety:** Seating must be positioned to ensure it does not encroach upon, obstruct, or create hazards within designated vehicle drive aisles, parking spaces, fire lanes, or pedestrian walkways and sidewalks.
  - **Sanitation and Restroom Access:** The deployment of any customer seating must comply with health sanitation restroom access requirements. If required, the vendor must maintain a valid, approved restroom facility agreement and provide active waste management for the seating area in full compliance with Oregon Health Authority sanitation regulations.
- C. **Prohibited Structures:** The erection of semi-permanent or permanent roofs, platforms, decks, or enclosures attached to or surrounding the MFU for customer use is strictly prohibited. Temporary awnings or umbrellas attached directly to the frame of the vehicle are permitted solely to provide weather protection for customers waiting in line.

**D. Waste Management:** The vendor must provide at least one garbage receptacle and one recycling container within 10 feet of the unit. The vendor must clean up all litter within a 25-foot radius of the vehicle before departing the site.

### **5.08.070 Utility Connections and Liquid Waste Management.**

All mobile food units (MFUs) must remain self-contained or utilize temporary utility hookups that comply with state and local plumbing, electrical, and environmental regulations. Cords and connections shall be placed or protected so they do not create a tripping, electrical, or public safety hazard.

#### **A. Electrical Power Supply:**

- **Generators:** Mounted or portable generators may be used to provide electrical power to a mobile food unit. Generators shall:
  - Be operated in accordance with applicable fire, electrical, and manufacturer safety requirements;
  - Be placed on a stable surface;
  - Be located so they do not create a hazard for customers, employees, vehicles, or neighboring properties;
  - Not block sidewalks, pedestrian routes, accessible routes, required parking, vehicle circulation, or fire access;
  - Be protected from accidental contact when necessary for public safety;
  - Direct exhaust away from customers, occupied buildings, air intakes, and combustible materials; and
  - Comply with applicable City noise regulations.
- **Power Hookups:** A mobile food unit may connect to an approved electrical source on the host property provided that all electrical connections, cords, and equipment shall comply with applicable electrical and fire requirements.

#### **B. Potable Water Supply:**

A mobile food unit may use its own potable water system or an approved temporary water connection. Water systems and connections shall comply with applicable State, County, and City requirements.

- **Onboard Storage:** MFUs may operate using internal, food-grade potable water tanks that are filled at an approved facility.
- **Temporary Hookups:** Temporary connections to an on-site commercial water source are permitted only if equipped with a certified, tested backflow prevention assembly to protect the municipal water system from cross-contamination.

#### **C. Grey Water Disposal:**

Wastewater shall be stored and disposed of at an approved location in accordance with applicable City, county, and state requirements. Wastewater, grey water, grease, or other liquid waste shall not be dumped onto the ground, sidewalks, streets, storm drains, ditches, or public rights-of-way.

- **Disposal Methods and Evidence Required:** Wastewater must be legally dumped at an approved commercial RV dump station, a licensed wastewater disposal facility, or an approved on-site commercial cleanout connected directly to the municipal sanitary sewer system. The city may require reasonable evidence of an approved wastewater disposal method when necessary to determine compliance.

#### **D. Fats, Oils, and Grease (FOG) Management:**

- **Collection:** Any MFU engaged in deep frying, grilling, or cooking that generates grease must store all spent fats, oils, and grease in sealed, puncture-proof containers.
- **Sewer System Prohibitions:** No FOG shall be poured down municipal sewer cleanouts, sinks, or storm drains.

- **Disposal and Mandate:** Vendors must contract with a licensed grease rendering or recycling service for the regular removal of FOG. Manifests or receipts of legal FOG disposal must be kept on the unit and made available for inspection by City staff upon request.

### **5.08.080 Permit Application Requirements.**

A mobile food unit (MFU) shall obtain a City Mobile Food Vendor Permit before operating within the City. The application shall include:

- A. The applicant’s name and contact information;
- B. Business information and identification of the mobile food unit;
- C. Evidence of a current food-service license or approval required by the appropriate health authority;
- D. A copy of the written agreement proving compliance with the health authority’s restroom location standards, if required;
- E. Property-owner authorization when operating on private property;
- F. Any additional information reasonably necessary to show compliance with applicable City, fire, health, parking, traffic, or public safety requirements; and
- G. A simple site plan showing:
  1. The location of the mobile food unit;
  2. Available parking;
  3. Vehicle access and circulation, including evidence that the access point is permitted and constructed to City standards;
  4. Pedestrian access; and
  5. Any proposed customer seating.

## **Chapter 5.12 Business Regulations**

### **5.12.010 Purpose.**

The purpose of this Chapter is to provide regulations that will maintain clean and safe commercial and industrial districts within the City of Boardman.

### **5.12.020 Business Operators’ Duty.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

People owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

Businesses with approved parking areas for employees and/or customers shall install and maintain trash receptacles.

**CITY OF BOARDMAN  
ORDINANCE NO. 17-2026**

**AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE TO AMEND TITLE 5  
BUSINESS REGULATIONS**

**WHEREAS**, the City of Boardman ("City") has authority granted by the Boardman Charter of 2024; and

**WHEREAS**, the City has an adopted Municipal Code which regulates certain business activities as part of Title 5 Business Regulations; and

**WHEREAS**, the City has been working to better organize the Municipal Code that includes reordering chapters and titles, amending and adding provisions that are clear and objective, and updating the Municipal Code to be more consistent with state law and current practice; and

**WHEREAS**, the City Council determined that minor changes were needed to Chapter 5.04 Transient Merchant Permits and Regulations, that additional regulations needed to be adopted to regulate Food Trucks, and that other regulations pertaining to business locations previously in Title 8 Nuisances would be better located within Title 5 and adding trash receptacle requirements.

**NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:**

**Section 1 Affected and Attached Documents.** After full consideration of the matter, the City Council of the City of Boardman adopts changes to:

**Title 5 Business Regulations** to incorporate changes to Chapter 5.04 Transient Merchant, add Chapter 5.08 Mobile Food Vendor, and relocate and add to certain requirements to Chapter 5.12 Business Regulations. Title 5 is attached as **Exhibit A**.

**Section 2 Scrivener's Corrections.** The City Council authorizes the City Manager or designee to take all administrative actions necessary to correct any typographical errors, scrivener's errors, or formatting errors and to take all administrative actions necessary to codify these amendments within the Boardman Municipal Code.

**Section 3 Effective Date.** This ordinance shall take effect 30 days after adoption, or November 5, 2026.

Passed by the Council and approved by the Mayor, this 6th day of October, 2026.

\_\_\_\_\_  
Paul Keefer, Mayor

ATTEST:

\_\_\_\_\_  
Amanda Mickles, City Clerk

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## Title 5 BUSINESS REGULATIONS<sup>1</sup>

### ***Chapter 5.04 TRANSIENT MERCHANT PERMITS AND REGULATIONS***

#### **5.04.010 Purpose.**

This chapter is enacted to ensure that transient merchant activities are conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with public health, safety, and the general welfare of the citizens of Boardman; to secure revenue to assist in defraying the city's cost of administering and enforcing its laws and ordinances and the city's provision of certain municipal services; and to obtain valuable information for emergency responders, planning and building personnel, and economic development.

The chapter also acts to authorize and regulate transient merchants on all property, including city rights-of-way, within the city of Boardman.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.020 Applicability.**

This chapter provides reasonable and necessary regulations for the licensing of transient merchants located within the city of Boardman as described in this chapter. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city of Boardman which is exempt from taxation or regulation by the city by virtue of the constitutions of the United States or the state of Oregon, or applicable federal or state law.

Through this chapter reasonable and necessary regulations will maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public; prevent interference with the peaceful enjoyment of the areas open to the public; and preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city.

The regulations of the chapter are not intended to permit any violation of the provisions of any other law or regulation and apply to activities within the city of Boardman, including city-owned and leased property and rights-of-way.

These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational, or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

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<sup>1</sup>Editor's note(s)—Ord. No. 9-2025, § 1(Exh. A), adopted Nov. 4, 2025, amended the title of Tit. 5 to read as herein set out. The former Tit. 5 title pertained to "Business Licenses and Regulations."

### 5.04.030 Definitions.

As used in this chapter.

"Applicant" means the person applying for a license to conduct a particular business within the city.

"Business" means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted, or carried on within the city.

"Day" means a calendar day unless otherwise noted.

"Doing business" means to engage in any activity in pursuit of profit, gain, livelihood, or any other purpose.

"Income" means the net income arising from any business, as reportable to the state of Oregon for personal income, corporation excise or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for net operating loss carry-forward or carry-back.

"License administrator" is the city appointed authority for reviewing, approving, or denying applications under this title.

"License or permit" means the permission granted by the city under this title to operate, engage, conduct, or carry on a business within the city.

"Licensee or permittee" means an applicant who has received a license or permit under this title.

"Mobile vending unit" is a vehicle or other conveyance that is self-propelled, upon a street or highway and within which items are available for sale.

"Mobile vendor" is a mobile vendor which offers items for sale from a mobile vending unit. Mobile Food Vendors are regulated under 5.08 in this Title.

"Permanent location" means professions, trades, occupations, shops for every kind of calling carried on for profit, personal gain, trade or barter and livelihood at a fixed or permanently established place of business maintained within the city.

"Person" means the singular and plural of an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.

"Rights-of-way" means the public streets, alleys, avenues, thoroughfares, highways, places, and grounds located within city which are owned and controlled by city.

"Sidewalk vending unit" is a vehicle or other conveyance that is pushed or can be pulled upon a street or highway and within which items are available for sale.

"Sidewalk vendor" is a mobile vendor which offers items for sale from a mobile vending unit, and which can or does routinely change location, and which is located within the public right-of-way and/or property owned by a public entity.

"Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked within the city limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

**5.04.040 Activities required to be licensed, permitted, and regulated.**

- A. Except as exempt under Section 5.04.050 below, it shall be unlawful for any person to engage in transient merchant activity within the city without first having obtained the necessary licenses or permits for the current year as provided under this chapter.
- B. If more than one transient merchant is conducting business on the same premises, each must obtain a separate license.
- C. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a transient merchant activity within the city of which a license or permit fee as levied by this chapter shall be deemed to be engaged in such business and shall be liable for the payment of such license or permit fee and will be subject to the penalties for failure to comply with the requirements of this chapter.
- D. The city may require proof of state registration. An applicant shall possess any county or state license or permit required or shall be awaiting final approval by the state before a city license or permit is issued.
- E. No person shall do transient merchant activities within the city as the employee, agent, or representative of another person unless either the principal or the employee, agent or representative has a current, valid city transient merchant license or permit, no matter where the principal offices of that business are situated.
- F. Home occupations, as permitted uses or conditional uses in the Boardman Development Code, shall be required to obtain any necessary license or permit in accordance with the provisions of this chapter if they are engaged in transient merchant activities.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

**5.04.050 Exemptions.**

The following are exempt from the licensing and permitting requirements:

- A. Transient merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- B. The occasional sales of goods and/or services by local school students related to their school and/or school activities, and/or fundraising sales by local service clubs, groups, and/or charitable nonprofit organizations.
- C. Any political group seeking funds or membership.
- D. The sale of goods, merchandise, and/or food in, on, and/or about a right-of-way directly adjacent to the licensed brick and mortar business conducting the sale.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

**5.04.060 Application requirements.**

Each person desiring to engage in transient merchant activity must apply for a license or permit to operate, engage, conduct, or carry on the activity on such forms and in such manner as the license administrator may prescribe. Applications are submitted online via the city of Boardman website, through an online application portal. The application must be accompanied by the applicable license or permit fee as established in the city of Boardman Fee Schedule. The application submitted through the online portal shall include the following information:

- A. The date of the application;

- B. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent applying on behalf of the applicant;
- C. The name and physical address of the location where the transient merchant will engage in its business activity;
- D. A brief description of the nature of the business;
- E. The date that business operations will commence;
- F. The number of persons employed that will be engaged in the transient merchant activity;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. Identify any local, state, or federal licenses, certificates, registrations, or permits that are required for the business and submit those licenses, certificates, registrations or permits as part of the application;
- I. A verification by signature of the applicant, or authorized agent submitting the application on behalf of the applicant, of the following:
  - 1. The information stated in the application is true, accurate and complete;
  - 2. The business complies with all applicable federal, state, and local laws, regulations, and ordinances;
  - 3. The applicant or authorized agent has read, understands, and agrees to abide by this chapter; and
  - 4. If the applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the applicant;
- J. A notice that the application is a public record, and that the city will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410 through 192.505) and other applicable laws; and
- K. Any other information necessary to enable the license administrator or designee to review the application to determine whether the application should be approved.
- L. Once the application is received, the application fee will be requested and shall be paid prior to any license or permit under this chapter will be issued.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.070 Reserved.**

#### **5.04.075 Reserved.**

#### **5.04.080 Transient merchant requirements.**

With the exception of transient merchants engaging in targeted grazing under Chapter 6.04.130, transient merchants shall not be permitted in residential zones within the city of Boardman. In addition to the application requirements stated above, the following additional information shall be submitted for review.

- A. A description of the nature of the business operation the applicant will conduct.

- B. If prepared food that is not regulated by Chapter 5.08 Mobile Food Units is offered for sale, evidence that the Morrow County Health Department or other applicable state or local agency has approved of the activity.
- C. The location from which the applicant will operate or the area(s) within Boardman that the transient merchant activities will occur.
- D. The length of time the applicant will conduct the business.
- E. The hours of operation.
- F. Authorization of the landowner(s) for placement of a mobile or sidewalk vending unit, if applicable. Mobile vending units cannot be placed in public right-of-way. Sidewalk vending units can be placed on public streets through this permitting process.
- G. A mobile or sidewalk unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways, or drive aisles of any off-street parking area, and shall not be located to create a traffic or safety hazards.
- H. Mobile or sidewalk unit operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within twenty (20) feet of the mobile unit when conducting business. Trash cans or other trash containers shall be available for customer use.
- I. The use of the right-of-way or public property will not interfere with existing utilities, pedestrian use, or pose a hazard to vehicular traffic. The use shall be consistent with the use for which the property is zoned. The location shall be limited to that which was approved on the permit or license.
- J. Proof of general liability insurance and proof of products liability and errors and omissions insurance if applicable to the type of business being conducted.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.085 Reserved.**

#### **5.04.090 Reserved.**

#### **5.04.100 Reserved.**

#### **5.04.110 Application review.**

The license administrator may refer each application to the persons or departments designated by the license administrator for review. The license or permit may not be issued if the business as described in the application would not comply with this title, or other city codes. Issuance of the license or permit itself does not mean the applicant has complied with all federal or state laws, and if it is later determined that the applicant has failed to comply with any federal or state law and fails to correct such violation within thirty (30) days the applicant's license or permit may be revoked as described herein.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.120 Fee schedule.**

- A. An annual license or permit fee is imposed on the act of doing business within the city. The city council will annually establish the fees provided for in this chapter as part of the master fee schedule.

- B. Fees are due at the time of the initial application. Renewal fees are due annually by January 1 of the respective year.
- C. Nothing contained in this chapter shall vest any right in a license or permit as a contract obligation on the part of the city as the amount of the fee. The fees required by this title may be increased or decreased, additional fees may be imposed, and classifications may be changed.
- D. A person operating more than one business shall pay the license or permit fee prescribed for each of the businesses, except as specifically provided by this title.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.130 Approval process.**

- A. Approval of Application.
  - 1. The license administrator shall issue a decision on an application for a license or permit within thirty (30) days of the submission of a complete application and required fee upon a finding that the applicant has submitted all the necessary application material, met all the requirements of this title, and complied with applicable federal, state, and local laws.
  - 2. The license administrator shall issue a license or permit renewal upon finding that the applicant has submitted all the necessary application material, met all the requirements of this title, and complied with applicable federal, state, and local law.
  - 3. If an application for a new license or permit is approved, the license administrator shall notify the applicant through CitizenServe, the online application portal. The notice shall state any conditions or limitations placed on the license or permit as a condition of maintaining the license or permit which the license administrator or other review staff deems necessary to protect the public health, safety, or welfare which is required by this title and applicable federal, state, or local law.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.140 Denial, suspension, or revocation.**

- A. Denial, Suspension, or Revocation of Application. The license administrator may deny, suspend, or revoke a license or permit issued under this title upon finding that:
  - 1. The licensee or permittee fails to meet the requirements of, or is doing business in violation of this title and/or federal, state, or local laws;
  - 2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license or permit;
  - 3. The applicant's past or present violation of law presents a reasonable doubt about their ability to perform the licensed or permitted activity without endangering property or the public health or safety;
  - 4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed or permitted activity; or
  - 5. The licensed or permitted activity would endanger property or the public health or safety.
- B. Notice. The license administrator shall provide written notice to the applicant or licensee or permittee of the denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee or permittee of the right to appeal under Section 5.04.150 of this title. For suspensions or revocations, the notice shall be given at least fifteen (15) days before the action becomes effective. If the

violation ends within fifteen (15) days, the license administrator may discontinue the suspension or revocation proceedings.

- C. Reapplication. A person whose application for a business or activity license or permit that has been denied, suspended, or revoked, may, after ninety (90) days from the date of the denial, suspension, or revocation, apply for a license or permit or reinstatement upon payment of the application fee and submission of a complete application.
- D. Disqualification. A person whose application for any license or permit under this title that has been denied or whose license has been revoked for a total of two times within one year, or who has a total of four denials, suspensions, or revocations, shall be disqualified from applying for a license or reinstatement for a period of two years from the date of the final denial, suspension, or revocation.
- E. Summary Suspension. Upon determining that a licensed or permitted activity presents an immediate danger to a person or property, the license administrator or designee may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee or permittee or being delivered to the licensee or permittee's business address as stated on the application for the license being suspended. Such a notice shall state the reason for the suspension and inform the licensee or permittee of the provisions for appeal as outlined in Section 5.04.150.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.150 Appeal.**

In the event an applicant for a license or permit under this title is denied such license or permit, or in the event a license or permit is suspended or revoked, the applicant or licensee or permittee shall have the right to appeal.

- A. The written notice of appeal to the city manager shall be filed with the license administrator within fourteen (14) days after the license denial, suspension, or revocation.
- B. The appeal shall state:
  - 1. The name and address of the applicant;
  - 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.
- C. The city manager or designee shall review and decide in regard to the appeal within fifteen (15) days of filing.
- D. Final appeal, if filed by the applicant, shall be filed with the city manager's office to be heard by the Boardman City Council. The Boardman City Council will hear the appeal at the next regular meeting of the city council for which there is adequate time to include the appeal information in the council packet. The decision of the city council on the appeal shall be final and conclusive.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.160 Posting and display of license or permit.**

A licensee or permittee shall post the license or permit in a conspicuous place upon the business premises, available for inspection by the public and any employees and prospective employees of the business. When the licensee or permittee has no office, business premises or other established place of business within the city, the

license must be in the possession of the agent or representative of the business who is present in the city at all times during which business is being transacted by the agent or representative in the city. If a licensed or permitted business is based in a motor vehicle, a photocopy of the license must be carried in the motor vehicle.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

#### **5.04.170 Violations and penalties.**

- A. Any person convicted of violating any of the provisions of this title shall be punished by a fine as determined in the consolidated fee schedule for any one offense, each day constituting a separate offense.
- B. Offenses under this chapter shall be tried in the Morrow County Justice Court as a violation and not as a crime. As a violation there is no right to a jury trial or court-appointed counsel.
- C. **Entity Responsibility.** An individual person and other entities may act in violation of this title. If the party acting in violation of this title is an entity, the entity shall be subject to fine, abatement or other penalties allowed by this title and by law. In such cases where an entity is the offending party, a citation may be served upon the entity by serving an owner, officer, a person in charge of the premises, or any person or firm designated as an official or agent of the entity. The entity shall be named on the citation. The citation shall require appearance by a representative of the entity at the time indicated on the citation. If a representative fails to appear as required by the citation the city attorney may seek appropriate remedies for the failure to appear and default against the officers, owners and agents of the entity. For application of this section, the term "entity" shall also include corporations, partnerships, limited liability companies or partnerships, associations, sole proprietorships, and other forms of entities.
- D. **Evidence of Doing Business.** In a prosecution for a violation of this title, evidence that the business made a public representation, by way of newspaper, radio, television or similar media advertisement or by signs conspicuously displayed for public view, that the business was being conducted, expressly or impliedly offering to sell goods or services in the course of the business to the public, shall constitute prima facie evidence that the business was transacting the business suggested by the public representation within the city on the date or dates during which the representations were made.
- E. **Inspection and Right of Entry.** Whenever they shall have cause to suspect a violation of any provisions of this title, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed in this title, officials for the enforcement or administration of this title, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the city will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under the authority of a lawful warrant.
- F. **Abatement.** Any business which is established, operated, moved, altered, enlarged, or maintained contrary to the licensing or permitting requirements of this title shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.
- G. **Legal Proceedings by City Attorney.** In addition to the enforcement provisions of this title, upon request by the city council, the city attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this title.

(Ord. No. 9-2025, § 1(Exh. A), 11-4-2025)

### ***Chapter 5.08 Mobile Food Units***

#### **5.08.010 Purpose.**

The purpose of this Chapter is to regulate individual mobile food vendor units by establishing definitions, identifying locations where they can be sited within the City of Boardman, setting operating standards, and establishing permit requirements.

### 5.08.020 Definitions.

The following definitions apply to Mobile Food Vendor Units.

**Mobile Food Unit (MFU).** A completely self-contained, motorized vehicle or towable trailer designed and equipped to prepare, cook, and/or serve food items directly to the public for immediate off-site consumption. A MFU relies entirely on its own systems or temporary, approved utility hookups, and does not feature permanent customer interior or exterior dining space, except for limited, temporary outdoor seating as expressly permitted under the standards of this Chapter.

**Type I MFU.** A mobile food unit that operates using fully self-contained onboard systems and generators without semi-permanent utility hookup

**Type II MFU.** A mobile food unit that operates seasonally and may utilize temporary site permissions or basic utility connections

**Type III MFU.** A mobile food unit that operates on a semi-permanent basis and connects to approved temporary utility hookups (such as water, sewer, or shore power).

### 5.08.030 Permitted Zones and Locations, and Approval Requirements.

Standalone mobile food units (MFUs) are permitted to operate subject to the requirements of this chapter on private property or designated public areas within the following zoning districts: Commercial, Light Industrial, and Industrial.

- A. Standalone MFUs are permitted independently of structured food pods.
- B. Two or more MFUs must be within an approved food pod unless approved as part of an event by the health authority.
- C. A mobile food unit shall maintain all licenses and approvals required by the State of Oregon, County Health Authority, and the Boardman Fire Marshal.

### 5.08.040 Hours of Operation and Duration.

To remain a welcoming environment for mobile commerce while preventing unauthorized permanent fixtures, the following timing regulations apply:

- A. **Hours of Operation:** There shall be no restriction on the hours of operation for mobile food vendors. Vendors may operate 24 hours a day, provided they maintain compliance with other city ordinances, including noise.
- B. **Duration Types:**
  - A Type I MFU may operate continuously at an approved standalone location for up to 30 consecutive days.

- A Type II MFU may operate continuously at an approved standalone location for up to 90 consecutive days.
- A Type III MFU may operate continuously at an approved standalone location for up to 180 consecutive days.
- Total operations at a single location shall not exceed 180 days within any 12-month period.

#### 5.08.050 Off-Street Parking Requirements.

To balance traffic safety with vendor accessibility, off-street parking shall be provided as follows:

- A. **Minimum Spaces:** Each standalone mobile food unit operating on a private parcel shall provide a minimum of two (2) designated off-street parking spaces.
- B. **Shared Parking Allowed:** This parking requirement may be satisfied by utilizing existing surplus parking on an already developed commercial or industrial site, provided the food unit does not reduce the host business's parking below its own minimum required code levels.
- C. **Surface Standard:** Parking spaces may consist of compacted gravel, asphalt, or concrete surfaces, provided they are safely accessible from the public right-of-way and that the access point is permitted and constructed to City standards.

#### 5.08.060 Site Standards.

To ensure compliance with local building codes, structural safety, and food service sanitation frameworks, mobile food vendors must operate strictly under the following layout restrictions:

- A. No MFU shall be located within 15 feet of a fire hydrant, or within a designated vision clearance triangle at intersections.
- B. **Outdoor Seating Allowance:** The provision of customer seating by a mobile food vendor or host property owner is permitted strictly under the following conditions:
  - **Capacity Limit:** Seating shall be limited to a maximum total capacity of four (4) people at any given time.
  - **Temporary and Unanchored:** All outdoor seating furniture, such as picnic tables or chairs, must remain entirely unanchored and temporary. No permanent or fixed structures, decks, platforms, roofs, or shelters may be erected around or over the seating area. All furniture must be stored or secured during non-operating hours.
  - **Clearance and Safety:** Seating must be positioned to ensure it does not encroach upon, obstruct, or create hazards within designated vehicle drive aisles, parking spaces, fire lanes, or pedestrian walkways and sidewalks.
  - **Sanitation and Restroom Access:** The deployment of any customer seating must comply with health sanitation restroom access requirements. If required, the vendor must maintain a valid, approved restroom facility agreement and provide active waste management for the seating area in full compliance with Oregon Health Authority sanitation regulations.
- C. **Prohibited Structures:** The erection of semi-permanent or permanent roofs, platforms, decks, or enclosures attached to or surrounding the MFU for customer use is strictly prohibited. Temporary awnings or umbrellas attached directly to the frame of the vehicle are permitted solely to provide weather protection for customers waiting in line.

- D. **Waste Management:** The vendor must provide at least one garbage receptacle and one recycling container within 10 feet of the unit. The vendor must clean up all litter within a 25-foot radius of the vehicle before departing the site.

### 5.08.070 Utility Connections and Liquid Waste Management.

All mobile food units (MFUs) must remain self-contained or utilize temporary utility hookups that comply with state and local plumbing, electrical, and environmental regulations. Cords and connections shall be placed or protected so they do not create a tripping, electrical, or public safety hazard.

#### A. Electrical Power Supply:

- **Generators:** Mounted or portable generators may be used to provide electrical power to a mobile food unit. Generators shall:
  - Be operated in accordance with applicable fire, electrical, and manufacturer safety requirements;
  - Be placed on a stable surface;
  - Be located so they do not create a hazard for customers, employees, vehicles, or neighboring properties;
  - Not block sidewalks, pedestrian routes, accessible routes, required parking, vehicle circulation, or fire access;
  - Be protected from accidental contact when necessary for public safety;
  - Direct exhaust away from customers, occupied buildings, air intakes, and combustible materials; and
  - Comply with applicable City noise regulations.
- **Power Hookups:** A mobile food unit may connect to an approved electrical source on the host property provided that all electrical connections, cords, and equipment shall comply with applicable electrical and fire requirements.

#### B. Potable Water Supply:

A mobile food unit may use its own potable water system or an approved temporary water connection. Water systems and connections shall comply with applicable State, County, and City requirements.

- **Onboard Storage:** MFUs may operate using internal, food-grade potable water tanks that are filled at an approved facility.
- **Temporary Hookups:** Temporary connections to an on-site commercial water source are permitted only if equipped with a certified, tested backflow prevention assembly to protect the municipal water system from cross-contamination.

#### C. Grey Water Disposal:

Wastewater shall be stored and disposed of at an approved location in accordance with applicable City, county, and state requirements. Wastewater, grey water, grease, or other liquid waste shall not be dumped onto the ground, sidewalks, streets, storm drains, ditches, or public rights-of-way.

- **Disposal Methods and Evidence Required:** Wastewater must be legally dumped at an approved commercial RV dump station, a licensed wastewater disposal facility, or an approved on-site commercial cleanout connected directly to the municipal sanitary sewer system. The city may require reasonable evidence of an approved wastewater disposal method when necessary to determine compliance.

#### D. Fats, Oils, and Grease (FOG) Management:

- **Collection:** Any MFU engaged in deep frying, grilling, or cooking that generates grease must store all spent fats, oils, and grease in sealed, puncture-proof containers.
- **Sewer System Prohibitions:** No FOG shall be poured down municipal sewer cleanouts, sinks, or storm drains.

- **Disposal and Mandate:** Vendors must contract with a licensed grease rendering or recycling service for the regular removal of FOG. Manifests or receipts of legal FOG disposal must be kept on the unit and made available for inspection by City staff upon request.

### 5.08.080 Permit Application Requirements.

A mobile food unit (MFU) shall obtain a City Mobile Food Vendor Permit before operating within the City. The application shall include:

- The applicant's name and contact information;
- Business information and identification of the mobile food unit;
- Evidence of a current food-service license or approval required by the appropriate health authority;
- A copy of the written agreement proving compliance with the health authority's restroom location standards, if required;
- Property-owner authorization when operating on private property;
- Any additional information reasonably necessary to show compliance with applicable City, fire, health, parking, traffic, or public safety requirements; and
- A simple site plan showing:
  - The location of the mobile food unit;
  - Available parking;
  - Vehicle access and circulation, including evidence that the access point is permitted and constructed to City standards;
  - Pedestrian access; and
  - Any proposed customer seating.

## ***Chapter 5.12 Business Regulations***

### **5.12.010 Purpose.**

The purpose of this Chapter is to provide regulations that will maintain clean and safe commercial and industrial districts within the City of Boardman.

### **5.12.020 Business Operators' Duty.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

People owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

Businesses with approved parking areas for employees and/or customers shall install and maintain trash receptacles.

## AGENDA BILL

### City Council Meeting – October 6, 2026

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**Subject:** Ordinance 18-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 10 Vehicles, Traffic, Parking, And Public Safety

**Category:** Action Items- Ordinances

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Ordinance 18-2026 amends Title 10 of the Boardman Municipal Code relating to Vehicles, Traffic, Parking, and Public Safety. The amendments clarify Chapter 10.32 regarding Motor Truck Routes and revise Chapter 10.36.020 regarding noise, including renaming the section from “Unnecessary Noise” to “Excessive and Unreasonable Noise.” These changes are part of the City’s ongoing effort to better organize the Municipal Code, provide clear and objective standards, and align the Code with current practices. The ordinance also authorizes administrative corrections needed for codification and will take effect 30 days after adoption, on November 5, 2026.

**Attachments:**

Boardman Title 10 Vehicles, Traffic and Public Safety Clean version  
Ordinance 18-2026  
Boardman Title 10 Vehicles, Traffic and Public Safety Redline version

**Budget/Fiscal Impact:**

NA

**Recommendation:**

Approve

**Proposed Council Motion:**

Step 1 - Reading into the record

I move to approve the reading by title only of Ordinance 18-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 10 Vehicles, Traffic, Parking, And Public Safety

Step 2 – Staff member reads title of Ordinance

Step 3 – Adoption

I move to adopt Ordinance 18-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 10 Vehicles, Traffic, Parking, And Public Safety

## **Title 10 VEHICLES, TRAFFIC, PARKING, AND PUBLIC SAFETY**

### ***Chapter 10.04 GENERAL PROVISIONS***

#### **10.04.010 Short title.**

The ordinance codified in this chapter and Title may be cited as the Boardman Uniform Vehicle, Traffic, Parking, and Public Safety Ordinance.

(Ord. 2-2008 § 3 (part), 2007: Ord. 191-1998 § 1)

#### **10.04.020 Applicability of state traffic laws.**

ORS Chapter 153 and the Oregon Vehicle Code, ORS Chapters 801, 819, and 822, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

#### **10.04.030 Definitions.**

In addition to definitions in the Oregon Vehicle Code, the following as used in this Title mean:

"Abandoned vehicle" means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration
2. The vehicle fails to have vehicle insurance as required by the state of Oregon
3. The vehicle appears to be inoperative or disabled or
4. The vehicle appears to be wrecked, partially dismantled or junked.

"Bus stop" means a roadway space designated by sign for use by buses to load or unload passengers.

"Discarded vehicles" means major parts of vehicles, including but not limited to bodies, engines, transmissions and rear ends and any other motor vehicle parts.

"Fees" means storage fees and administrative fees that shall be established by the city council by resolution.

"Hazard or obstruction to traffic" means a vehicle left in a location or condition such as to constitute an immediate and continuous hazard to the safety of the persons using the streets or alleys of the city. For example, and not by limitation, leaving:

1. Vehicles blocking public or private rights-of-way;
2. Vehicles with leaks in gas tanks;
3. Vehicles blocking fire hydrants.

"Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday when city hall is closed.

"Loading zone" means a roadway space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

"Person" means a natural person, firm, partnership, association and corporation.

"Public property" means all property, real or personal, used by the public and which is either owned by a public entity or local authority, leased by a public entity or local authority, or over which a public entity or local authority has a superior property right over private owners.

"Public safety officer" means a peace officer, Morrow County code enforcement officer, fire prevention inspector, fire service professional, or any person who, during an emergency formally declared by the Morrow County Board of Commissioners, has been deputized by and is acting pursuant to the orders of the Morrow County sheriff.

"Street" means alley, highway, road, roadway, throughway or street as defined in ORS 801.110, 801.305, 801.450 and 801.524, including the entire width of the right-of-way.

~~"Traffic control device" means all signs, signals, markings, and devices not inconsistent with this title and ORS Chapter 810, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding or directing, warning or regulating traffic.~~

"Traffic lane" means that area of the roadway used for a single line of traffic movement.

"Unregistered vehicle" means a vehicle that is operated upon a public highway when one or more of the following conditions exist:

1. The vehicle license plate or registration sticker has expired or has been cancelled;
2. The vehicle has no license plate;
3. No registration certificate is provided by the driver of the vehicle upon request.

"Uninsured Vehicle" means a vehicle that is operated upon a public highway when the driver is unable to produce a certificate demonstrating proof of insurance which insures either the vehicle being driven or the driver operating the vehicle.

"Unlicensed Driver" means a driver who, while operating a motor vehicle upon a public highway, does not have in the driver's possession a valid operator's license, and while a standard driver's license check performed by a public safety officer indicates that the identified driver does not hold a current, valid Oregon driver's license.

"Vehicle owner" means an individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership of record or any interest, legal or equitable, in a vehicle.

(Ord. 2-2008 § 3 (part), 2007: amended during 2001 codification; Ord. 191-1998 § 3)

#### **10.04.040 Powers of the council.**

- A. Subject to state laws, the city council shall exercise all local traffic authority for the city, except those powers expressly delegated by this or another chapter or ordinance.
- B. The powers of the city council include, but are not limited to:
  1. Designation of through streets;
  2. Designation of one-way streets;
  3. Designation of truck routes;
  4. Designation of parking zones and parking control devices;
  5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic;
  6. Authorization, by resolution, of greater maximum weights or lengths than specified by state law for vehicles using city streets;
  7. Initiation of proceedings to change speed zones;

8. Revision of speed limits in parks;
9. Temporary closure or blocking of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities.
11. Establishment, removal or alteration of the following classes of traffic controls:
  - a. Crosswalks, traffic calming devices, safety zones and traffic lanes.
  - b. Intersection channelization and areas where drivers of vehicles shall be prohibited from making right, left or U-turns, and the times when the prohibitions apply.
  - c. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
  - d. Loading zones and temporary stops for vehicles.
  - e. Traffic control devices including stop, yield, and other traffic control signs.

(Ord. 191-1998 § 4)

#### **10.04.050 Implementation of regulations.**

The city manager or his or her designee shall implement the ordinances of the council, or orders of the commission, by installing, maintaining, revolving and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways."

#### **10.04.060 Public danger.**

- A. Under conditions constituting a danger to the public, the city manager or his or her designee may install temporary traffic control devices.
- B. Nonfunctioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets.

#### **10.04.070 Standards.**

The regulations of the city manager or his or her designee shall be based on:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic control standards.

#### **10.04.080 Authority of police and Boardman Fire Rescue District.**

- A. It is the duty of police officers to enforce the provisions of this chapter, unless otherwise specified.
- B. In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this chapter.

### ***Chapter 10.08 GENERAL REGULATIONS***

#### **10.08.010 Crossing private or public property.**

No operator of a vehicle shall proceed from one street to an intersecting street by leaving the roadway and crossing private property or premises open to the public. This provision does not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

(Ord. 191-1998 § 9)

**10.08.020 Unlawful riding.**

- A. The operator of a vehicle shall not permit a passenger to, and no passenger shall, ride on a vehicle on a street except within a part of the vehicle designed or intended for the use of passengers. This provision does not apply to an employee engaged in the discharge of a duty or to a person riding within a truck body in space intended for merchandise.
- B. No person shall board or alight from a vehicle while the vehicle is in motion on a street.

(Ord. 191-1998 § 10)

**10.08.030 Roller skates, roller blades, skateboards, sleds, bicycles, e-bikes, and similar devices.**

- A. A person may ride a bicycle or e-bike upon a street in compliance with ORS Chapters 814 and 807.
- B. No person shall ride roller skates, roller blades, a sled, a skateboard, or a related device, upon a street, except while crossing at a crosswalk, or in specifically designated areas such as a skateboard park, or in specifically permitted situations, such as a permitted parade.
  - 1. The use of such devices shall be in a considerate, reasonable, nonreckless manner, not exposing a hazard or nuisance to property or persons; and such use shall not be allowed on private property without permission of the property owner, and otherwise will constitute trespassing thereon.
  - 2. Such devices may be used in the manner described in subsection B(1) of this section on bicycle paths, sidewalks, streets, and crosswalks, where such persons with devices shall give right-of-way to pedestrians, and shall otherwise have all rights and be subject to all duties applicable to pedestrians.

(Ord. 191-1998 § 11)

**10.08.040 Damaging sidewalks and curbs.**

- A. The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway.
- B. No unauthorized person shall place dirt, wood, or other material that could serve as a ramp or temporary driveway, in the gutter or space next to the curb of a street.
- C. No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond, if required by ordinance. A person who causes damage shall be responsible for the cost of repair.

(Ord. 191-1998 § 12)

**10.08.050 Removing glass and debris.**

A party to a vehicle accident causing broken glass or other debris to be on a street shall be responsible for removing the glass or other debris from the street.

(Ord. 191-1998 § 13)

**10.08.060 Storing vehicles or other personal property on streets.**

No person shall store or permit to be stored on a street or other public property, without permission of the city manager, motor vehicles, recreation vehicles, boat trailers, horse trailers, storage trailers, or other similar devices,

or other types of personal property, for a period in excess of 72 hours. In order to avoid a violation of this chapter, vehicles, or other similar devices, or personal property shall be moved no less than 1,000 feet from the original location in one direction and can only be at this new location for a period not greater than 72 hours. Failure to move vehicles or other similar devices or personal property shall constitute prima facie evidence of storage of a vehicle or other property.

(Ord. 191-1998 § 14)

#### **10.08.070 Obstructing streets.**

No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as is allowed by this chapter or other ordinances of the city.

(Ord. 191-1998 § 15)

#### **10.08.080 Unnecessary vehicle noise.**

No person shall operate a motor vehicle in the city in such a manner as to create or cause excessive noise. The operation of compression brakes, commonly known as "Jacob" brakes, in a manner that creates unnecessary noise is prohibited.

(Ord. 191-1998 § 16)

#### **10.08.090 Requirements to operate a vehicle.**

No person shall operate a vehicle upon a public highway, or upon premises open to the public, which are located within Morrow County, unless the person has in their possession the following:

- A. A valid operator's license;
- B. A certificate indicating proof of a current insurance policy which meets the minimum requirements under Oregon State Statute; and
- C. A valid vehicle registration card.

### ***Chapter 10.12 PARKING REGULATIONS***

#### **10.12.010 Method of parking.**

- A. When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within twelve (12) inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.
- B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- C. When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.
- D. No person shall improperly park a vehicle on a highway, road or street. Improper parking includes parking on a sidewalk, safety zone, yellow parking zone or similar area designated by traffic control device.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 17)

### 10.12.020 Prohibited parking.

No person shall park or stand:

- A. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device, or curb painting;
- B. A vehicle in an alley, except for a stop of not more than thirty (30) consecutive minutes in any two-hour period for loading or unloading persons or material;
- C. A motor truck as defined in Municipal Code Section 10.04.030, on a street or private property in any residential zone except for loading and unloading purposes or in a dedicated parking location approved by the council or their designee;
- D. A motor truck as defined in Municipal Code Section 10.04.030, with the motor or refrigeration units running and audible to persons in a residence, motel, apartment house, hotel, or other sleeping accommodation, for more than five consecutive minutes between the hours of nine p.m. and seven a.m. on a street in front of or adjacent to, in a residence, motel, apartment house, hotel, or other sleeping accommodation;
- E. Parking a vehicle in a residential zone on or in front yard setbacks, as defined in the Boardman Development Code Chapter 2.0, other than in accordance with the Boardman Development Code Chapter 3.2.200 related to driveways.
- F. A vehicle of any kind along an Arterial street as defined in the Boardman Transportation System Plan and depicted in Figure 4-2 Roadway Functional Classification System.
- G. A vehicle of any kind along a Collector street as defined in the [current Boardman Transportation System Plan \(TSP\)](#) and depicted in the [Roadway Functional Classification System map in the TSP](#), when it is signed as a No Parking Area based on traffic engineering, safety considerations, emergency access, or freight movement considerations, as determined by the City Manager.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 18)

### 10.12.030 Prohibited practices.

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale at a location other than in front of the owner's primary residence;
- B. Displaying a vehicle for sale at a location other than owner's primary residence for longer than four hours;
- C. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency;
- D. Displaying advertising from the vehicle;
- E. Selling merchandise from the vehicle, except when authorized.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 19)

### 10.12.040 Parking of motor trucks.

No person shall park a motor truck upon SE Front Street from the Main Street "Stop Bar" to a point two hundred (200) feet East.

(Ord. 4-2003 § 2)

#### **10.12.050 Use of loading zone.**

No person shall stop, park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 20)

#### **10.12.060 Passenger loading zone.**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect.

#### **10.12.070 Standing or parking of buses and taxicabs.**

The operator of a bus or taxicab shall not stop, stand or park the vehicle on a street in a business district other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

#### **10.12.080 Restricted use of bus and taxicab stands.**

No person shall stop, stand, or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

#### **10.12.090 Authorized emergency vehicles.**

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this chapter.
- B. This section shall not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 21)

#### **10.12.100 Lights on parked vehicle.**

No lights need be displayed on a vehicle that is parked in accordance with this chapter on a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500) feet from the vehicle.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 22)

#### **10.12.110 Extension of parking time.**

Where maximum parking time limits are designated, moving a vehicle to another parking space within the same block shall not extend the time limits for parking.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 23)

### **10.12.120 Exemptions.**

The provisions of this chapter that regulate the parking or standing of vehicles do not apply to:

- A. A city, county, state, or public or private utility vehicle being used for public works maintenance, construction or repair work;
- B. A vehicle owned by the United States being used for collection, transportation or delivery of mail;
- C. A vehicle of a disabled person who complies with the provisions of ORS 811.602 to 811.637.
- D. A motor truck while in use to pick up property for transport or to deliver property in transport.

(Ord. 3-2008 § 3 (part), 2007: amended during 2001 codification; Ord. 191-1998 § 24)

## ***Chapter 10.16 PARKING CITATIONS AND OWNER RESPONSIBILITY***

### **10.16.010 Citation on illegally parked vehicle.**

When a vehicle without an operator is found parked in violation of a restriction imposed by this Title or state law, a citation may be issued in accordance with the penalties prescribed by this Title or the applicable state statute.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 32)

### **10.16.020 Owner responsibility.**

The owner of the vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 33)

### **10.16.030 Registered owner presumption.**

In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 34)

## ***Chapter 10.20 PARADES AND FUNERAL PROCESSIONS***

### **10.20.010 Prohibited activity.**

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people using the public right-of-way that consists of twenty (20) or more persons or five or more vehicles.

(Ord. 191-1998 § 25)

**10.20.020 Parade permit.**

- A. Application for a parade permit shall be made to the city manager at least ten (60) days before the date of the parade unless the time limit is waived by the city manager because review of the application will not unduly burden City staff time and resources.
- B. The application shall be signed by the person designated as chairperson and shall include the following:
  - 1. The name and address of the person responsible for the parade;
  - 2. The date of the proposed parade;
  - 3. The desired route, including assembling and dispersal points;
  - 4. The number of persons, vehicles, and animals that will participate; and
  - 5. The proposed starting and ending time.

(Ord. 191-1998 § 26)

**10.20.030 Issuance and denial of permit.**

- A. If on receipt of the application, the city manager determines that the parade can be conducted without endangering public safety or seriously inconveniencing the general public, the route shall be approved and the permit issued.
- B. Parade sponsors may be required to post a bond, in an amount required by the city, and "hold" the city "harmless" against any and all claims for damage arising out of the act of staging a parade.
- C. If the city manager determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the city manager may:
  - 1. Require an alternate route;
  - 2. Require an alternate date;
  - 3. Restrict the size of the parade; or
  - 4. Refuse to issue a permit.
- D. The city manager shall notify the applicant of the decision within five days of receipt of the application.
- E. If the city manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the city council.
- F. If the city manager determines that the police department is required to carry out traffic control, parade organizers may be charged an appropriate fee for costs.

(Ord. 191-1998 § 27)

**10.20.040 Appeal to council.**

- A. An applicant for a special event permit may appeal its denial or conditional approval by filing an appeal which must:
  - 1. Be written;
  - 2. Include a copy of the city manager's decision;
  - 3. Include a short statement why the decision is illegal, erroneous or otherwise improper;

4. Be addressed to the council; and

5. Be filed with the city recorder within 7 business days of the date the city manager's decision is mailed.

B. Upon receipt of a properly filed appeal of an application for a special event permit, the council will:

1. Consider the appeal within 21 days;

2. If deemed appropriate by the council, hear argument and consider new evidence from the applicant as well as from city staff or interested persons;

3. Issue a decision either orally or in writing to affirm, reverse or modify the manager's decision.

C. The decision of the council is final and may only be reconsidered by writ of review.

(Ord. 191-1998 § 28)

#### **10.20.050 Offenses against parade.**

A. No person shall unreasonably interfere with a parade or a parade participant.

B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons in the parade.

(Ord. 191-1998 § 29)

#### **10.20.060 Permit revocable.**

The city manager may revoke a parade permit if circumstances show that the parade can no longer be conducted consistent with public safety.

(Ord. 191-1998 § 30)

#### **10.20.070 Funeral processions.**

A. No permit shall be required for a funeral procession.

B. A funeral procession shall proceed to the place of internment by the most direct route that is both legal and practical.

C. The procession shall be accompanied by an adequate number of escort vehicles for traffic control.

D. All motor vehicles in the procession shall be operated with their lights on.

E. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

F. Each driver in the process shall follow the vehicle ahead as closely as is practical and safe.

(Ord. 191-1998 § 31)

#### **10.20.080 Offenses against funeral.**

No person shall operate a vehicle that is not a part of a funeral procession between the vehicles comprising the procession.

### ***Chapter 10.24 ABANDONED VEHICLES***

### **10.28.010 Introductory provisions.**

Pursuant to ORS 801.040 and 819.140, as now constituted, the impoundment of an abandoned or hazardous vehicle shall be governed by the provisions of the Oregon Vehicle Code, and by the procedures adopted by the city police department relating to impoundment of abandoned and hazardous vehicles.

When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

The impoundment of a vehicle will not preclude the issuance of a citation for a violation of a provision of this chapter.

Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(Ord. 190-1998 § 1)

### **10.24.020 Police duty.**

Whenever a discarded vehicle is found upon private or public property, the public safety officer shall:

- A. Make an investigation to discover the owner of the vehicle and/or the person in charge of the property upon which the vehicle is located. The public safety officer shall give notice by affixing a notice to the vehicle at least one hundred twenty (120) hours (five days) before taking the vehicle into custody. The one hundred twenty (120) hour (five-day) period includes holidays, Saturdays, and Sundays. The officer should give city hall a list of vehicles towed and where they were towed.
- B. After the vehicle has been taken into custody the public safety officer shall give, within forty-eight (48) hours of the vehicle's removal, by certified mail, written notice. This notice shall state that the vehicle has been taken into custody and give the location of the vehicle, and describe procedures for release of the vehicle, and procedures for obtaining a hearing to contest removal and custody. This forty-eight (48) hours does not include holidays, Saturdays and Sundays. Any notice given after a vehicle is taken into custody and removed shall state all of the following:
  1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute (ordinance) under which the vehicle was taken into custody and removed;
  2. The location of the vehicle or the phone number and address of the appropriate authority that will provide the information;
  3. That the vehicle is subject to towing and storage charges;
  4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority;
  5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;
  6. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or deposit of cash security or a bond equal to the charges with appropriate authority.

(Ord. 190-1998 § 3)

### **10.24.030 Hearing.**

The owner of the vehicle taken into custody must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the hearings officer. Failure to make a timely request for a hearing shall constitute of a waiver of the right to a hearing. Hearing to contest validity of removal and custody will be conducted as prescribed in ORS 819.190.

(Ord. 190-1998 § 4)

### **10.24.040 Public sale.**

- A. If the owner cannot be identified or no claim is made by a notified owner as required by Section 10.52.050, the chief of police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:
  - 1. The sale is of abandoned property in the possession of the city;
  - 2. A description of the vehicle, including the type, make, motor number, serial number and any other information which would aid and accurately identify the vehicle;
  - 3. The terms of the sale; and
  - 4. The date and time and place of the sale.
- B. The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the chief of police may enter a bid on behalf of the city in an amount equal to such costs.
- C. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the recorder of the city.
- D. The certificate of sale shall be substantially as follows:

#### **"CERTIFICATE OF SALE**

This is to certify that under the provisions of Ordinance No \_\_\_\_\_ entitled, 'An Ordinance for the Impounding and Disposition of Abandoned Vehicles' and pursuant to due notice of the time and place of sale, I did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, sell at public auction to \_\_\_\_\_ for the sum of \$\_\_\_\_\_ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of the property)

And in consideration of the payment of the said sum of \$\_\_\_\_\_, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_."

Note: The city assumes no responsibility as to the condition of title of the property described above. In case this sale is for any reason invalid, the liability of the city is limited to the return of the purchase price.

**10.24.050 Exceptions—Emergency vehicles.**

The provisions of this chapter regulating the operation, parking and standing vehicles, shall apply to authorized emergency vehicles, except as follows:

- A. A driver, when operating an emergency vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand, notwithstanding the provisions of this chapter.
- B. A driver of a police vehicle or fire department engine, when operating such vehicle in an emergency, may disregard regulations governing turning in specified directions and operation as long as the driver does not endanger life or property.

The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of the driver's reckless disregard for the safety of others.

(Ord. 190-1998 § 5)

**10.24.060 Penalties.**

Violation of this chapter is punishable by a fine not to exceed two hundred fifty dollars (\$250.00).

(Ord. 190-1998 § 6)

***Chapter 10.28 IMPOUNDMENT OF VEHICLES*****10.28.010 Impound.**

A vehicle may be towed without prior notice when a public safety officer has probable cause to believe that a motor vehicle is being operated upon a public highway or premises open to the public within Morrow County and the driver thereof does not possess a valid operator's license and either:

- A. Cannot produce proof of insurance which meets the minimum requirements under Oregon State Statute; or
- B. Cannot produce a valid registration card for the vehicle being operated.

(Ord. 178 § 1 (part), 1996)

**10.28.020 Impound procedures.**

A public safety officer, upon discovering that a vehicle may be impounded under Section 10.28.010, shall:

- A. Contact the Morrow County sheriff's department dispatch to arrange for impound for the vehicle; and
- B. Provide the operator of the vehicle with notice of impound by delivering to the operator a copy of a completed vehicle tow information report. A vehicle tow information report shall contain at least the following information: the date of impound, the location where the violation resulting in the impound occurred, identification of the operator of the vehicle (if available), the name of the vehicle's registered owner (if available), a description of the reason(s) for impound, an explanation of the procedure for retrieval of the vehicle, and a statement of the rights of the legal owner(s) of the vehicle or person(s) entitled to possession to a hearing in order to contest the validity of impound.

(Ord. 178 § 1 (part), 1996)

**10.28.030 Notice.**

- A. Notice is given when:
1. At the scene of a tow resulting from a determination of probable cause under Section 10.28.010, the public safety officer shall complete the vehicle tow information report and deliver a copy thereof to the operator of the vehicle, who is also the vehicle's legal owner of record; or
  2. When the operator is not the legal owner, notice is deemed given when a certified letter addressed to the registered owner of the vehicle and the legal owner, if any, return receipt requested and postage prepaid, is mailed within forty-eight (48) hours after the vehicle is taken into possession by, or at the direction of a public safety officer.
- B. If the vehicle is registered with the Motor Vehicles Division of the State of Oregon, notice may be addressed to the registered owner, and the legal owner, if any, at the last respective address of each as shown by the records of the Motor Vehicles Division. If the vehicle is not so registered, reasonable efforts shall be made to ascertain the name and address of the legal owner or person entitled to possession of the vehicle so that notice may be mailed, if reasonably possible, within forty-eight (48) hours of impound.
- C. The notice required by this section shall state the following:
1. The name and title of the officer, or identification of other authorized personnel issuing the notice;
  2. That any person who, at the request of a public safety officer, impounds a vehicle, shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien; and
  3. That a hearing on the validity of the proposed impound may be held, if requested within five calendar days of receipt of notice by the owner.
- D. After a vehicle has been impounded pursuant to Section 10.32.010 notice must be provided to the registered owner, if known, indicating:
1. The location of the vehicle;
  2. That a lien has arisen on the vehicle in favor of the person who towed and is storing the vehicle; and
  3. That the vehicle may be sold at public auction to satisfy the lien; and
  4. That a hearing on the validity of the tow may be held, if requested within five calendar days of receipt of notice by the owner.

(Ord. 178 § 1 (part), 1996)

**10.28.040 Hearing.**

- A. Request for Hearing. The owner must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the Morrow County sheriff's office. Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.
- B. Hearing Procedures.
1. When timely request for a hearing is made, a hearing shall be held before a hearings officer, who shall be appointed by the Morrow County court.
  2. The hearing shall be set and conducted within four calendar days of receipt of the request, excluding holidays, Saturdays and Sundays. The hearing can be set for a later date if the owner or person entitled to possession so requests.

3. At the hearing, the owner may contest the validity of the impound.
  4. The county shall have the burden of proving by a preponderance of the evidence the validity of the impound. The county may present evidence either by testimony of the police officer, traffic officer or code enforcement officer, or by written report of the officer. If the county's evidence is presented only by written report and hearings officer cannot resolve a question by information contained in the report, the hearing may be held open for reasonable time to complete the record.
- C. Decision of the Hearings Officer. If the hearings officer finds that:
1. Impound of the vehicle was proper, the hearings officer:
    - a. Shall enter an order supporting the removal; and
    - b. Shall find that the owner or person entitled to possession is liable for any towing and storage charges resulting from the impound; and
    - c. May find that the owner or person entitled to possession is liable for the costs of the tow hearing, including costs of the hearings officer and any witnesses.
  2. Impound of the vehicle was improper, the hearings officer shall:
    - a. Order the vehicle released to the owner or person entitled to possession;
    - b. Find that the owner or person entitled to possession is not liable for any towing or storage charges resulting from the impound; and
    - c. Order the county to satisfy the towing and storage lien.
- D. The decision of the hearings officer is final.
- E. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the impound and assessment of towing and storage costs, and shall add an assessment for the costs of the hearings officer and any witnesses who appeared at the time set for hearing.
- (Ord. 178 § 1 (part), 1996)

### **10.28.050 Release of vehicle.**

- A. A vehicle which has been impounded under Section 10.32.010 may be released to the registered owner or legal owner, if different, if the owner or person entitled to possession has paid all of the accrued towing and storage costs, unless otherwise ordered by the hearings officer, and shows:
1. Proof of ownership of the vehicle;
  2. Proof of insurance coverage for the vehicle which satisfies the minimum requirements under Oregon State Statute; and
  3. A release from the Morrow County sheriff's department which indicates that a valid vehicle registration has been established.
- B. If the vehicle is to be driven, the driver must also present a valid driver's license.
- (Ord. 178 § 1 (part), 1996)

### **10.28.060 Towing and storage liens.**

A person who, at the request of a public safety officer takes a vehicle into custody under the provisions of Section 10.32.010 of this chapter shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with

ORS 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is one thousand dollars (\$1,000.00) or less, the vehicle shall be disposed of in the manner provided in ORS 819.280. Evidence regarding market value from any person who deals, trades, buys, or disposes of such vehicles in the ordinary course of such person's business shall be sufficient to establish market value.

(Ord. 178 § 1 (part), 1996)

### **10.28.070 Suspension of notice and hearing requirements.**

In all cases where removal, towing or impoundment of any vehicle has been performed by persons engaged in emergency operations after formal declaration of emergency by the Morrow County court, all notice and hearing requirements contained herein shall be suspended and held in abeyance until abatement of the conditions creating the emergency reasonably allow for providing notice and hearing.

(Ord. 178 § 1 (part), 1996)

### **10. 28.080 Civil penalties.**

Any person who violates the provisions of Section 10.08.090 of this chapter shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).

(Ord. 178 § 1 (part), 1996)

### **10.28.090 Jurisdiction.**

The chapter shall apply within the unincorporated areas of Morrow County and within the boundaries of incorporated cities which have consented to application of this chapter within their boundaries pursuant to the provisions of ORS 203.040. The Circuit, District and Justice Courts for the State of Oregon for the county of Morrow have concurrent jurisdiction over any and all violations of this chapter. In all cases where civil penalty is sought to be imposed as provided in Section 10.32.110 of this chapter, a complaint, signed by the Morrow County district attorney, or the Morrow County counsel, shall be filed in the Morrow County justice court, which shall have original jurisdiction over the proceedings. The proceedings shall thereafter be conducted in accordance with the laws of the state of Oregon and the rules of the Morrow County justice court, including any right of appeal therefrom.

(Ord. 178 § 1 (part), 1996)

## ***Chapter 10.32 MOTOR TRUCK ROUTES***

### **10.32.010 Purpose**

The establishment of Motor Truck Routes is to protect the investment in city streets by the taxpayers of the City of Boardman. The focus of this regulation is to limit the size and weight of tractors and trailers to protect city streets from premature degradation from excessive truck traffic.

### **10.32.020 Operation of motor trucks.**

No person shall drive a motor truck upon or across a street which is not designated as a truck route within the limits of the city of Boardman, except when the street intersects with a street designated as a truck route.

(Ord. 4-2001 § 2)

### **10.32.020-030 Establishment of truck routes.**

- A. Truck routes are established in the current City of Boardman Transportation System Plan and are depicted in Figure 4-4 the Truck Freight System map in that TSP, which identifies regional freight routes, local freight routes, and established high, wide, and heavy freight routes used by the Oregon Department of Transportation and the Port of Morrow.

The City of Boardman Transportation System Plan provides the following definitions for truck routes:

- Regional Truck Route - Regional Truck Routes accommodate the continuous and regional flow of truck freight through the city. These routes serve as the primary travel routes for regionally oriented truck freight, connecting freight-generating land uses to the state highway network. They are consistent with the National Highway System Intermodal Connectors.
- Local Truck Route - Local Truck Routes serve local truck circulation and access and provide for goods and service delivery to individual commercial, employment, and residential land uses outside of industrial areas.

- B. The City Manager is authorized to post streets with No Through Trucks signage to emphasize the established truck routes.

### **10.32.030-040 Exemptions.**

The provisions of this chapter regulating truck traffic shall not apply to a motor truck of the city, county, or state or public or private utility company while necessarily in use for construction or repair work or a motor truck while in use to pick up property for transport or deliver property in transport.

(Ord. 4-2001 § 3)

### **10.32.040-050 Penalty.**

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500).

(Ord. 4-2001 § 4)

## **Chapter 10.36 PUBLIC SAFETY**

### **10.36.010 Offensive Littering.**

- A. A person commits the crime of offensive littering if he or she creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:
1. Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way; or
  2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank, or other contaminated source, upon the land of another without permission of the owner, or upon public ways; or
  3. Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he or she is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon or a person operating a school bus subject to Oregon Administrative Rules Pertaining to Pupil Transportation.

- B. As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, county or a local municipality, for use by the general public.

### **10.36.020 Excessive and Unreasonable Noise.**

#### **A. Purpose and Legislative Findings.**

The City Council finds that excessive and unreasonable noise may adversely affect the public health, safety, welfare, comfort, repose, and quality of life of the residents of the City of Boardman.

The City further finds that residents have the right to peacefully enjoy their homes and property while also recognizing the rights of others to reasonably use their own property for lawful activities, family gatherings, celebrations, recreation, and community events.

The purpose of this section is to establish reasonable standards that balance these interests, encourage voluntary compliance, provide objective guidance for enforcement, and preserve the peaceful character of the community.

#### **B. Definitions.**

For purposes of this section:

**Amplified Sound** means sound increased by electrical, mechanical, or electronic equipment, including radios, stereos, loudspeakers, public address systems, televisions, musical instruments connected to amplifiers, Bluetooth speakers, karaoke equipment, and similar devices.

**Plainly Audible** means sound that can be clearly heard by a person of ordinary hearing using no hearing enhancement devices.

**Residential Property** means property used primarily for residential occupancy.

**Responsible Person** means any person who creates, causes, controls, permits, sponsors, organizes, hosts, or knowingly allows the continuation of the noise-producing activity.

#### **C. General Prohibition.**

No person shall make, create, continue, permit, or cause any loud, raucous, excessive, or unreasonable noise that would unreasonably disturb the peace, comfort, repose, health, safety, or quiet enjoyment of a reasonable person of ordinary sensitivity.

The determination of whether noise is unreasonable shall be based upon the totality of the circumstances.

#### **D. Factors Considered.**

In determining whether noise is unreasonable, an enforcement officer may consider, among other relevant factors:

- Time of day.
- Duration.
- Frequency or repetition.
- Volume and intensity.
- Whether the noise is plainly audible beyond the property from which it originates.
- Whether the noise is audible within neighboring residences.
- Character of the neighborhood.
- Nature and purpose of the activity.
- Reasonable efforts made to reduce the noise.
- Effect upon surrounding residents.
- Previous complaints or warnings regarding the same activity.

No single factor shall be controlling.

#### E. Specific Acts Constituting Evidence of Unreasonable Noise.

The following activities may constitute evidence of unreasonable noise when considered under the totality of the circumstances:

1. Amplified Music. Operating any radio, stereo, television, musical instrument, loudspeaker, outdoor speaker, karaoke system, or other sound-producing device at a volume that unreasonably disturbs neighboring persons or properties.
2. Residential Gatherings. Operating amplified sound or permitting excessive shouting, yelling, singing, or similar noise associated with parties, gatherings, celebrations, or other events in a manner that unreasonably disturbs neighboring properties.  
Nothing in this section shall be interpreted to prohibit family gatherings, cultural celebrations, neighborhood events, holiday celebrations, birthday parties, barbecues, or similar lawful activities conducted with reasonable consideration for surrounding residents.
3. Vehicle Noise. Operating a motor vehicle in a manner that creates unreasonable noise through:
  - Amplified sound systems;
  - Unnecessary horn use;
  - Excessive engine revving;
  - Tire spinning;
  - Defective or modified exhaust systems.
4. Animals. Keeping an animal that habitually or continuously creates noise that unreasonably disturbs neighboring properties.
5. Construction Activities. Construction, demolition, excavation, remodeling, or similar work between the hours of 7:00 p.m. and 7:00 a.m., except:
  - Emergency repairs;
  - Public utility emergencies;
  - Activities authorized by City permit.
6. Mechanical Equipment. Operating generators, compressors, power equipment, machinery, or similar devices without reasonable noise suppression.
7. Commercial Activities. Commercial loading, unloading, deliveries, or business operations adjacent to residential property in a manner that unreasonably disturbs nearby residents.

#### F. Nighttime Amplified Sound.

Between the hours of 10:00 p.m. and 7:00 a.m., amplified sound that is plainly audible within another residence or beyond the property from which it originates may constitute evidence that the noise is unreasonable.

This subsection shall not be interpreted to prohibit enforcement during other hours when circumstances otherwise establish unreasonable noise.

#### G. Exemptions.

This section shall not apply to:

- Police, fire, ambulance, and other emergency vehicles.
- Emergency warning systems.
- Emergency utility repairs.
- City-authorized public works projects.
- Lawfully permitted public events.
- School activities.
- City-sponsored events.
- Agricultural activities conducted in accordance with applicable law.
- Sounds regulated by federal law, including, but not limited to, sounds caused by railroads and aircraft.

#### H. Temporary Noise Permits.

The City Manager or designee may issue temporary permits authorizing community groups and activities that would otherwise violate this section.

Permit conditions may include:

- Hours of operation including the following limitations:
  - Fifty minutes of each hour;
  - Four hours of any 8-hour block of time during weekends; and
  - Three hours between 4:00 p.m. and 9:00 p.m. on weekdays.
- Sound mitigation requirements;
- Speaker placement;
- Other reasonable conditions necessary to minimize impacts.

Permits may be suspended or revoked for noncompliance or where necessary to protect public safety.

#### I. Enforcement.

This section may be enforced by the Boardman Police Department or other persons authorized by the City.

An enforcement officer may rely upon personal observations, witness statements, audio or video recordings, sound measurements when available, or other competent evidence.

A sound level meter shall not be required to establish a violation.

Whenever practical, officers are encouraged to seek voluntary compliance before initiating enforcement. Nothing in this section requires an officer to issue a warning before taking enforcement action.

#### J. Relationship to State Law.

Nothing in this section limits enforcement under Oregon Revised Statutes, including but not limited to ORS 166.025 Disorderly Conduct in the Second Degree, whenever the facts independently establish a violation of state law.

#### K. Penalties>

A violation of this section constitutes a municipal violation and shall be punishable and may be appealed as provided elsewhere in the Boardman Municipal Code.

Each specific incident and each day of noncompliance will be considered a separate violation of this Title.

### **10.36.020 Unnecessary noise.**

- ~~A. No person may make, assist in making, continue, or cause to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.~~
- ~~B. Loud, disturbing, and unnecessary noises in violation of this section include, but are not limited to the following:~~
  - ~~1. The keeping of any bird or animal which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;~~
  - ~~2. The attaching of a bell to an animal or allowing a bell to remain on an animal;~~
  - ~~3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;~~
  - ~~4. The sounding of a horn or signaling device on a vehicle on a street, public place, or private place, except as a necessary warning of danger;~~
  - ~~5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper city authorities;~~
  - ~~6. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;~~
  - ~~7. The erection, including excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of seven a.m. and six p.m., except in case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the city clerk for a period not to exceed ten (10) days. Such permit may be renewed for periods of five days while such emergency continues to exist. If the council determines that the public health, safety, and welfare will not be impaired by the erection, demolition, alteration, or repair of any building between the hours of six p.m. and seven a.m. and if the council shall further determine that loss or inconvenience would result to any person unless such work were permitted within those hours, the council may grant permission for such work to be done within the hours of six p.m. and seven a.m. upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.~~  
  
~~The actual owner of property may do work on property actually occupied by him or her between the hours of six p.m. and ten p.m. without obtaining a permit as herein required;~~
  - ~~8. The use of a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle;~~
  - ~~9. The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs or unduly annoys patients;~~

- ~~10.—The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;~~
- ~~11.—The use or operation of an automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker, or any instrument for sound producing or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance. However, upon application to the council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state, or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than one thousand (1,000) feet from the instrument, speaker, or amplifier and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result;~~
- ~~12.—The making of a noise by crying, calling, or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, attracting attention, or inviting patronage of a person to a business. However, news sellers may sell newspapers and magazines by public outcry;~~
- ~~13.—The conducting, operating, or maintaining of a garage within one hundred (100) feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of eleven p.m. and seven a.m.~~

### **10.36.030 Penalty.**

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500).

**CITY OF BOARDMAN  
ORDINANCE NO. 18-2026**

**AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE TO AMEND TITLE 10  
VEHICLES, TRAFFIC, PARKING, AND PUBLIC SAFETY**

**WHEREAS**, the City of Boardman ("City") has authority granted by the Boardman Charter of 2024; and

**WHEREAS**, the City has an adopted Municipal Code which regulates traffic, parking, parades and funeral processions, abandoned vehicles, vehicle impoundment, and truck routes as part of Title 10 Vehicles, Traffic, Parking, and Public Safety; and

**WHEREAS**, the City has been working to better organize the Municipal Code that includes reordering chapters and titles, amending and adding provisions that are clear and objective, and updating the Municipal Code to be more consistent with state law and current practice; and

**WHEREAS**, further amendments are proposed to Title 10 generally and more specifically to clarify Chapter 10.32 Motor Truck Routes and amend Chapter 10.36 Public Safety replacing Section 10.36.020 Unnecessary Noise.

**NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:**

**Section 1 Affected and Attached Documents.** After full consideration of the matter, the City Council of the City of Boardman adopts changes to:

**Title 10 Vehicles, Traffic, Parking, and Public Safety**, generally and specifically Chapter 10.32 Motor Truck Routes and Chapter 1036 Public Safety Section 10.36.020 Unnecessary Noise renaming it to Excessive and Unreasonable Noise. This action replaces previously adopted versions of Title 10 and repeals those provisions as adopted in September 2026. Title 10 is attached as **Exhibit A**.

**Section 2 Scrivener's Corrections.** The City Council authorizes the City Manager or designee to take all administrative actions necessary to correct any typographical errors, scrivener's errors, or formatting errors and to take all administrative actions necessary to codify these amendments within the Boardman Municipal Code.

**Section 3 Effective Date.** This ordinance shall take effect 30 days after adoption, or November 5, 2026.

Passed by the Council and approved by the Mayor, this 6th day of October, 2026.

\_\_\_\_\_  
Paul Keefer, Mayor

ATTEST:

\_\_\_\_\_  
Amanda Mickles, City Clerk

## **Title 10 VEHICLES, TRAFFIC, PARKING, AND PUBLIC SAFETY**

### ***Chapter 10.04 GENERAL PROVISIONS***

#### **10.04.010 Short title.**

The ordinance codified in this chapter and Title may be cited as the Boardman Uniform Vehicle, Traffic, Parking, and Public Safety Ordinance.

(Ord. 2-2008 § 3 (part), 2007: Ord. 191-1998 § 1)

#### **10.04.020 Applicability of state traffic laws.**

ORS Chapter 153 and the Oregon Vehicle Code, ORS Chapters 801, 819, and 822, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

#### **10.04.030 Definitions.**

In addition to definitions in the Oregon Vehicle Code, the following as used in this Title mean:

"Abandoned vehicle" means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration
2. The vehicle fails to have vehicle insurance as required by the state of Oregon
3. The vehicle appears to be inoperative or disabled or
4. The vehicle appears to be wrecked, partially dismantled or junked.

"Bus stop" means a roadway space designated by sign for use by buses to load or unload passengers.

"Discarded vehicles" means major parts of vehicles, including but not limited to bodies, engines, transmissions and rear ends and any other motor vehicle parts.

"Fees" means storage fees and administrative fees that shall be established by the city council by resolution.

"Hazard or obstruction to traffic" means a vehicle left in a location or condition such as to constitute an immediate and continuous hazard to the safety of the persons using the streets or alleys of the city. For example, and not by limitation, leaving:

1. Vehicles blocking public or private rights-of-way;
2. Vehicles with leaks in gas tanks;
3. Vehicles blocking fire hydrants.

"Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday when city hall is closed.

"Loading zone" means a roadway space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

"Person" means a natural person, firm, partnership, association and corporation.

"Public property" means all property, real or personal, used by the public and which is either owned by a public entity or local authority, leased by a public entity or local authority, or over which a public entity or local authority has a superior property right over private owners.

"Public safety officer" means a peace officer, Morrow County code enforcement officer, fire prevention inspector, fire service professional, or any person who, during an emergency formally declared by the Morrow County Board of Commissioners, has been deputized by and is acting pursuant to the orders of the Morrow County sheriff.

"Street" means alley, highway, road, roadway, throughway or street as defined in ORS 801.110, 801.305, 801.450 and 801.524, including the entire width of the right-of-way.

"Traffic lane" means that area of the roadway used for a single line of traffic movement.

"Unregistered vehicle" means a vehicle that is operated upon a public highway when one or more of the following conditions exist:

1. The vehicle license plate or registration sticker has expired or has been cancelled;
2. The vehicle has no license plate;
3. No registration certificate is provided by the driver of the vehicle upon request.

"Uninsured Vehicle" means a vehicle that is operated upon a public highway when the driver is unable to produce a certificate demonstrating proof of insurance which insures either the vehicle being driven or the driver operating the vehicle.

"Unlicensed Driver" means a driver who, while operating a motor vehicle upon a public highway, does not have in the driver's possession a valid operator's license, and while a standard driver's license check performed by a public safety officer indicates that the identified driver does not hold a current, valid Oregon driver's license.

"Vehicle owner" means an individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership of record or any interest, legal or equitable, in a vehicle.

(Ord. 2-2008 § 3 (part), 2007: amended during 2001 codification; Ord. 191-1998 § 3)

#### **10.04.040 Powers of the council.**

- A. Subject to state laws, the city council shall exercise all local traffic authority for the city, except those powers expressly delegated by this or another chapter or ordinance.
- B. The powers of the city council include, but are not limited to:
  1. Designation of through streets;
  2. Designation of one-way streets;
  3. Designation of truck routes;
  4. Designation of parking zones and parking control devices;
  5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic;
  6. Authorization, by resolution, of greater maximum weights or lengths than specified by state law for vehicles using city streets;
  7. Initiation of proceedings to change speed zones;
  8. Revision of speed limits in parks;
  9. Temporary closure or blocking of streets;
  10. Establishment of bicycle lanes and paths and traffic controls for such facilities.

11. Establishment, removal or alteration of the following classes of traffic controls:
  - a. Crosswalks, traffic calming devices, safety zones and traffic lanes.
  - b. Intersection channelization and areas where drivers of vehicles shall be prohibited from making right, left or U-turns, and the times when the prohibitions apply.
  - c. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
  - d. Loading zones and temporary stops for vehicles.
  - e. Traffic control devices including stop, yield, and other traffic control signs.

(Ord. 191-1998 § 4)

#### **10.04.050 Implementation of regulations.**

The city manager or his or her designee shall implement the ordinances of the council, or orders of the commission, by installing, maintaining, revolving and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways."

#### **10.04.060 Public danger.**

- A. Under conditions constituting a danger to the public, the city manager or his or her designee may install temporary traffic control devices.
- B. Nonfunctioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets.

#### **10.04.070 Standards.**

The regulations of the city manager or his or her designee shall be based on:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic control standards.

#### **10.04.080 Authority of police and Boardman Fire Rescue District.**

- A. It is the duty of police officers to enforce the provisions of this chapter, unless otherwise specified.
- B. In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this chapter.

### ***Chapter 10.08 GENERAL REGULATIONS***

#### **10.08.010 Crossing private or public property.**

No operator of a vehicle shall proceed from one street to an intersecting street by leaving the roadway and crossing private property or premises open to the public. This provision does not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

(Ord. 191-1998 § 9)

#### **10.08.020 Unlawful riding.**

- A. The operator of a vehicle shall not permit a passenger to, and no passenger shall, ride on a vehicle on a street except within a part of the vehicle designed or intended for the use of passengers. This provision does

not apply to an employee engaged in the discharge of a duty or to a person riding within a truck body in space intended for merchandise.

- B. No person shall board or alight from a vehicle while the vehicle is in motion on a street.

(Ord. 191-1998 § 10)

#### **10.08.030 Roller skates, roller blades, skateboards, sleds, bicycles, e-bikes, and similar devices.**

- A. A person may ride a bicycle or e-bike upon a street in compliance with ORS Chapters 814 and 807.

B. No person shall ride roller skates, roller blades, a sled, a skateboard, or a related device, upon a street, except while crossing at a crosswalk, or in specifically designated areas such as a skateboard park, or in specifically permitted situations, such as a permitted parade.

1. The use of such devices shall be in a considerate, reasonable, nonreckless manner, not exposing a hazard or nuisance to property or persons; and such use shall not be allowed on private property without permission of the property owner, and otherwise will constitute trespassing thereon.

2. Such devices may be used in the manner described in subsection B(1) of this section on bicycle paths, sidewalks, streets, and crosswalks, where such persons with devices shall give right-of-way to pedestrians, and shall otherwise have all rights and be subject to all duties applicable to pedestrians.

(Ord. 191-1998 § 11)

#### **10.08.040 Damaging sidewalks and curbs.**

- A. The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway.
- B. No unauthorized person shall place dirt, wood, or other material that could serve as a ramp or temporary driveway, in the gutter or space next to the curb of a street.
- C. No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond, if required by ordinance. A person who causes damage shall be responsible for the cost of repair.

(Ord. 191-1998 § 12)

#### **10.08.050 Removing glass and debris.**

A party to a vehicle accident causing broken glass or other debris to be on a street shall be responsible for removing the glass or other debris from the street.

(Ord. 191-1998 § 13)

#### **10.08.060 Storing vehicles or other personal property on streets.**

No person shall store or permit to be stored on a street or other public property, without permission of the city manager, motor vehicles, recreation vehicles, boat trailers, horse trailers, storage trailers, or other similar devices, or other types of personal property, for a period in excess of 72 hours. In order to avoid a violation of this chapter, vehicles, or other similar devices, or personal property shall be moved no less than 1,000 feet from the original location in one direction and can only be at this new location for a period not greater than 72 hours. Failure to

move vehicles or other similar devices or personal property shall constitute prima facie evidence of storage of a vehicle or other property.

(Ord. 191-1998 § 14)

#### **10.08.070 Obstructing streets.**

No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as is allowed by this chapter or other ordinances of the city.

(Ord. 191-1998 § 15)

#### **10.08.080 Unnecessary vehicle noise.**

No person shall operate a motor vehicle in the city in such a manner as to create or cause excessive noise. The operation of compression brakes, commonly known as "Jacob" brakes, in a manner that creates unnecessary noise is prohibited.

(Ord. 191-1998 § 16)

#### **10.08.090 Requirements to operate a vehicle.**

No person shall operate a vehicle upon a public highway, or upon premises open to the public, which are located within Morrow County, unless the person has in their possession the following:

- A. A valid operator's license;
- B. A certificate indicating proof of a current insurance policy which meets the minimum requirements under Oregon State Statute; and
- C. A valid vehicle registration card.

### ***Chapter 10.12 PARKING REGULATIONS***

#### **10.12.010 Method of parking.**

- A. When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within twelve (12) inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.
- B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- C. When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.
- D. No person shall improperly park a vehicle on a highway, road or street. Improper parking includes parking on a sidewalk, safety zone, yellow parking zone or similar area designated by traffic control device.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 17)

**10.12.020 Prohibited parking.**

No person shall park or stand:

- A. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device, or curb painting;
- B. A vehicle in an alley, except for a stop of not more than thirty (30) consecutive minutes in any two-hour period for loading or unloading persons or material;
- C. A motor truck as defined in Municipal Code Section 10.04.030, on a street or private property in any residential zone except for loading and unloading purposes or in a dedicated parking location approved by the council or their designee;
- D. A motor truck as defined in Municipal Code Section 10.04.030, with the motor or refrigeration units running and audible to persons in a residence, motel, apartment house, hotel, or other sleeping accommodation, for more than five consecutive minutes between the hours of nine p.m. and seven a.m. on a street in front of or adjacent to, in a residence, motel, apartment house, hotel, or other sleeping accommodation;
- E. Parking a vehicle in a residential zone on or in front yard setbacks, as defined in the Boardman Development Code Chapter 2.0, other than in accordance with the Boardman Development Code Chapter 3.2.200 related to driveways.
- F. A vehicle of any kind along an Arterial street as defined in the Boardman Transportation System Plan and depicted in Figure 4-2 Roadway Functional Classification System.
- G. A vehicle of any kind along a Collector street as defined in the current Boardman Transportation System Plan (TSP) and depicted in the Roadway Functional Classification System map in the TSP, when it is signed as a No Parking Area based on traffic engineering, safety considerations, emergency access, or freight movement considerations, as determined by the City Manager.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 18)

**10.12.030 Prohibited practices.**

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale at a location other than in front of the owner's primary residence;
- B. Displaying a vehicle for sale at a location other than owner's primary residence for longer than four hours;
- C. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency;
- D. Displaying advertising from the vehicle;
- E. Selling merchandise from the vehicle, except when authorized.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 19)

**10.12.040 Parking of motor trucks.**

No person shall park a motor truck upon SE Front Street from the Main Street "Stop Bar" to a point two hundred (200) feet East.

(Ord. 4-2003 § 2)

#### **10.12.050 Use of loading zone.**

No person shall stop, park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 20)

#### **10.12.060 Passenger loading zone.**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect.

#### **10.12.070 Standing or parking of buses and taxicabs.**

The operator of a bus or taxicab shall not stop, stand or park the vehicle on a street in a business district other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

#### **10.12.080 Restricted use of bus and taxicab stands.**

No person shall stop, stand, or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

#### **10.12.090 Authorized emergency vehicles.**

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this chapter.
- B. This section shall not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 21)

#### **10.12.100 Lights on parked vehicle.**

No lights need be displayed on a vehicle that is parked in accordance with this chapter on a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500) feet from the vehicle.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 22)

#### **10.12.110 Extension of parking time.**

Where maximum parking time limits are designated, moving a vehicle to another parking space within the same block shall not extend the time limits for parking.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 23)

### **10.12.120 Exemptions.**

The provisions of this chapter that regulate the parking or standing of vehicles do not apply to:

- A. A city, county, state, or public or private utility vehicle being used for public works maintenance, construction or repair work;
- B. A vehicle owned by the United States being used for collection, transportation or delivery of mail;
- C. A vehicle of a disabled person who complies with the provisions of ORS 811.602 to 811.637.
- D. A motor truck while in use to pick up property for transport or to deliver property in transport.

(Ord. 3-2008 § 3 (part), 2007: amended during 2001 codification; Ord. 191-1998 § 24)

## ***Chapter 10.16 PARKING CITATIONS AND OWNER RESPONSIBILITY***

### **10.16.010 Citation on illegally parked vehicle.**

When a vehicle without an operator is found parked in violation of a restriction imposed by this Title or state law, a citation may be issued in accordance with the penalties prescribed by this Title or the applicable state statute.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 32)

### **10.16.020 Owner responsibility.**

The owner of the vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 33)

### **10.16.030 Registered owner presumption.**

In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 34)

## ***Chapter 10.20 PARADES AND FUNERAL PROCESSIONS***

### **10.20.010 Prohibited activity.**

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people using the public right-of-way that consists of twenty (20) or more persons or five or more vehicles.

(Ord. 191-1998 § 25)

**10.20.020 Parade permit.**

- A. Application for a parade permit shall be made to the city manager at least ten (60) days before the date of the parade unless the time limit is waived by the city manager because review of the application will not unduly burden City staff time and resources.
- B. The application shall be signed by the person designated as chairperson and shall include the following:
  - 1. The name and address of the person responsible for the parade;
  - 2. The date of the proposed parade;
  - 3. The desired route, including assembling and dispersal points;
  - 4. The number of persons, vehicles, and animals that will participate; and
  - 5. The proposed starting and ending time.

(Ord. 191-1998 § 26)

**10.20.030 Issuance and denial of permit.**

- A. If on receipt of the application, the city manager determines that the parade can be conducted without endangering public safety or seriously inconveniencing the general public, the route shall be approved and the permit issued.
- B. Parade sponsors may be required to post a bond, in an amount required by the city, and "hold" the city "harmless" against any and all claims for damage arising out of the act of staging a parade.
- C. If the city manager determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the city manager may:
  - 1. Require an alternate route;
  - 2. Require an alternate date;
  - 3. Restrict the size of the parade; or
  - 4. Refuse to issue a permit.
- D. The city manager shall notify the applicant of the decision within five days of receipt of the application.
- E. If the city manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the city council.
- F. If the city manager determines that the police department is required to carry out traffic control, parade organizers may be charged an appropriate fee for costs.

(Ord. 191-1998 § 27)

**10.20.040 Appeal to council.**

- A. An applicant for a special event permit may appeal its denial or conditional approval by filing an appeal which must:
  - 1. Be written;
  - 2. Include a copy of the city manager's decision;
  - 3. Include a short statement why the decision is illegal, erroneous or otherwise improper;

4. Be addressed to the council; and
  5. Be filed with the city recorder within 7 business days of the date the city manager's decision is mailed.
- B. Upon receipt of a properly filed appeal of an application for a special event permit, the council will:
1. Consider the appeal within 21 days;
  2. If deemed appropriate by the council, hear argument and consider new evidence from the applicant as well as from city staff or interested persons;
  3. Issue a decision either orally or in writing to affirm, reverse or modify the manager's decision.
- C. The decision of the council is final and may only be reconsidered by writ of review.
- (Ord. 191-1998 § 28)

#### **10.20.050 Offenses against parade.**

- A. No person shall unreasonably interfere with a parade or a parade participant.
  - B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons in the parade.
- (Ord. 191-1998 § 29)

#### **10.20.060 Permit revocable.**

The city manager may revoke a parade permit if circumstances show that the parade can no longer be conducted consistent with public safety.

(Ord. 191-1998 § 30)

#### **10.20.070 Funeral processions.**

- A. No permit shall be required for a funeral procession.
- B. A funeral procession shall proceed to the place of internment by the most direct route that is both legal and practical.
- C. The procession shall be accompanied by an adequate number of escort vehicles for traffic control.
- D. All motor vehicles in the procession shall be operated with their lights on.
- E. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.
- F. Each driver in the process shall follow the vehicle ahead as closely as is practical and safe.

(Ord. 191-1998 § 31)

#### **10.20.080 Offenses against funeral.**

No person shall operate a vehicle that is not a part of a funeral procession between the vehicles comprising the procession.

### ***Chapter 10.24 ABANDONED VEHICLES***

### **10.28.010 Introductory provisions.**

Pursuant to ORS 801.040 and 819.140, as now constituted, the impoundment of an abandoned or hazardous vehicle shall be governed by the provisions of the Oregon Vehicle Code, and by the procedures adopted by the city police department relating to impoundment of abandoned and hazardous vehicles.

When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

The impoundment of a vehicle will not preclude the issuance of a citation for a violation of a provision of this chapter.

Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(Ord. 190-1998 § 1)

### **10.24.020 Police duty.**

Whenever a discarded vehicle is found upon private or public property, the public safety officer shall:

- A. Make an investigation to discover the owner of the vehicle and/or the person in charge of the property upon which the vehicle is located. The public safety officer shall give notice by affixing a notice to the vehicle at least one hundred twenty (120) hours (five days) before taking the vehicle into custody. The one hundred twenty (120) hour (five-day) period includes holidays, Saturdays, and Sundays. The officer should give city hall a list of vehicles towed and where they were towed.
- B. After the vehicle has been taken into custody the public safety officer shall give, within forty-eight (48) hours of the vehicle's removal, by certified mail, written notice. This notice shall state that the vehicle has been taken into custody and give the location of the vehicle, and describe procedures for release of the vehicle, and procedures for obtaining a hearing to contest removal and custody. This forty-eight (48) hours does not include holidays, Saturdays and Sundays. Any notice given after a vehicle is taken into custody and removed shall state all of the following:
  1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute (ordinance) under which the vehicle was taken into custody and removed;
  2. The location of the vehicle or the phone number and address of the appropriate authority that will provide the information;
  3. That the vehicle is subject to towing and storage charges;
  4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority;
  5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;
  6. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or deposit of cash security or a bond equal to the charges with appropriate authority.

(Ord. 190-1998 § 3)

#### **10.24.030 Hearing.**

The owner of the vehicle taken into custody must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the hearings officer. Failure to make a timely request for a hearing shall constitute of a waiver of the right to a hearing. Hearing to contest validity of removal and custody will be conducted as prescribed in ORS 819.190.

(Ord. 190-1998 § 4)

#### **10.24.040 Public sale.**

- A. If the owner cannot be identified or no claim is made by a notified owner as required by Section 10.52.050, the chief of police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:
  - 1. The sale is of abandoned property in the possession of the city;
  - 2. A description of the vehicle, including the type, make, motor number, serial number and any other information which would aid and accurately identify the vehicle;
  - 3. The terms of the sale; and
  - 4. The date and time and place of the sale.
- B. The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the chief of police may enter a bid on behalf of the city in an amount equal to such costs.
- C. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the recorder of the city.
- D. The certificate of sale shall be substantially as follows:

##### **"CERTIFICATE OF SALE**

This is to certify that under the provisions of Ordinance No \_\_\_\_\_ entitled, 'An Ordinance for the Impounding and Disposition of Abandoned Vehicles' and pursuant to due notice of the time and place of sale, I did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, sell at public auction to \_\_\_\_\_ for the sum of \$\_\_\_\_\_ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of the property)

And in consideration of the payment of the said sum of \$\_\_\_\_\_, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_."

Note: The city assumes no responsibility as to the condition of title of the property described above. In case this sale is for any reason invalid, the liability of the city is limited to the return of the purchase price.

**10.24.050 Exceptions—Emergency vehicles.**

The provisions of this chapter regulating the operation, parking and standing vehicles, shall apply to authorized emergency vehicles, except as follows:

- A. A driver, when operating an emergency vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand, notwithstanding the provisions of this chapter.
- B. A driver of a police vehicle or fire department engine, when operating such vehicle in an emergency, may disregard regulations governing turning in specified directions and operation as long as the driver does not endanger life or property.

The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of the driver's reckless disregard for the safety of others.

(Ord. 190-1998 § 5)

**10.24.060 Penalties.**

Violation of this chapter is punishable by a fine not to exceed two hundred fifty dollars (\$250.00).

(Ord. 190-1998 § 6)

***Chapter 10.28 IMPOUNDMENT OF VEHICLES*****10.28.010 Impound.**

A vehicle may be towed without prior notice when a public safety officer has probable cause to believe that a motor vehicle is being operated upon a public highway or premises open to the public within Morrow County and the driver thereof does not possess a valid operator's license and either:

- A. Cannot produce proof of insurance which meets the minimum requirements under Oregon State Statute; or
- B. Cannot produce a valid registration card for the vehicle being operated.

(Ord. 178 § 1 (part), 1996)

**10.28.020 Impound procedures.**

A public safety officer, upon discovering that a vehicle may be impounded under Section 10.28.010, shall:

- A. Contact the Morrow County sheriff's department dispatch to arrange for impound for the vehicle; and
- B. Provide the operator of the vehicle with notice of impound by delivering to the operator a copy of a completed vehicle tow information report. A vehicle tow information report shall contain at least the following information: the date of impound, the location where the violation resulting in the impound occurred, identification of the operator of the vehicle (if available), the name of the vehicle's registered owner (if available), a description of the reason(s) for impound, an explanation of the procedure for retrieval of the vehicle, and a statement of the rights of the legal owner(s) of the vehicle or person(s) entitled to possession to a hearing in order to contest the validity of impound.

(Ord. 178 § 1 (part), 1996)

**10.28.030 Notice.**

- A. Notice is given when:
  - 1. At the scene of a tow resulting from a determination of probable cause under Section 10.28.010, the public safety officer shall complete the vehicle tow information report and deliver a copy thereof to the operator of the vehicle, who is also the vehicle's legal owner of record; or
  - 2. When the operator is not the legal owner, notice is deemed given when a certified letter addressed to the registered owner of the vehicle and the legal owner, if any, return receipt requested and postage prepaid, is mailed within forty-eight (48) hours after the vehicle is taken into possession by, or at the direction of a public safety officer.
- B. If the vehicle is registered with the Motor Vehicles Division of the State of Oregon, notice may be addressed to the registered owner, and the legal owner, if any, at the last respective address of each as shown by the records of the Motor Vehicles Division. If the vehicle is not so registered, reasonable efforts shall be made to ascertain the name and address of the legal owner or person entitled to possession of the vehicle so that notice may be mailed, if reasonably possible, within forty-eight (48) hours of impound.
- C. The notice required by this section shall state the following:
  - 1. The name and title of the officer, or identification of other authorized personnel issuing the notice;
  - 2. That any person who, at the request of a public safety officer, impounds a vehicle, shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien; and
  - 3. That a hearing on the validity of the proposed impound may be held, if requested within five calendar days of receipt of notice by the owner.
- D. After a vehicle has been impounded pursuant to Section 10.32.010 notice must be provided to the registered owner, if known, indicating:
  - 1. The location of the vehicle;
  - 2. That a lien has arisen on the vehicle in favor of the person who towed and is storing the vehicle; and
  - 3. That the vehicle may be sold at public auction to satisfy the lien; and
  - 4. That a hearing on the validity of the tow may be held, if requested within five calendar days of receipt of notice by the owner.

(Ord. 178 § 1 (part), 1996)

**10.28.040 Hearing.**

- A. Request for Hearing. The owner must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the Morrow County sheriff's office. Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.
- B. Hearing Procedures.
  - 1. When timely request for a hearing is made, a hearing shall be held before a hearings officer, who shall be appointed by the Morrow County court.
  - 2. The hearing shall be set and conducted within four calendar days of receipt of the request, excluding holidays, Saturdays and Sundays. The hearing can be set for a later date if the owner or person entitled to possession so requests.

3. At the hearing, the owner may contest the validity of the impound.
  4. The county shall have the burden of proving by a preponderance of the evidence the validity of the impound. The county may present evidence either by testimony of the police officer, traffic officer or code enforcement officer, or by written report of the officer. If the county's evidence is presented only by written report and hearings officer cannot resolve a question by information contained in the report, the hearing may be held open for reasonable time to complete the record.
- C. Decision of the Hearings Officer. If the hearings officer finds that:
1. Impound of the vehicle was proper, the hearings officer:
    - a. Shall enter an order supporting the removal; and
    - b. Shall find that the owner or person entitled to possession is liable for any towing and storage charges resulting from the impound; and
    - c. May find that the owner or person entitled to possession is liable for the costs of the tow hearing, including costs of the hearings officer and any witnesses.
  2. Impound of the vehicle was improper, the hearings officer shall:
    - a. Order the vehicle released to the owner or person entitled to possession;
    - b. Find that the owner or person entitled to possession is not liable for any towing or storage charges resulting from the impound; and
    - c. Order the county to satisfy the towing and storage lien.
- D. The decision of the hearings officer is final.
- E. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the impound and assessment of towing and storage costs, and shall add an assessment for the costs of the hearings officer and any witnesses who appeared at the time set for hearing.
- (Ord. 178 § 1 (part), 1996)

### **10.28.050 Release of vehicle.**

- A. A vehicle which has been impounded under Section 10.32.010 may be released to the registered owner or legal owner, if different, if the owner or person entitled to possession has paid all of the accrued towing and storage costs, unless otherwise ordered by the hearings officer, and shows:
1. Proof of ownership of the vehicle;
  2. Proof of insurance coverage for the vehicle which satisfies the minimum requirements under Oregon State Statute; and
  3. A release from the Morrow County sheriff's department which indicates that a valid vehicle registration has been established.
- B. If the vehicle is to be driven, the driver must also present a valid driver's license.
- (Ord. 178 § 1 (part), 1996)

### **10.28.060 Towing and storage liens.**

A person who, at the request of a public safety officer takes a vehicle into custody under the provisions of Section 10.32.010 of this chapter shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with

ORS 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is one thousand dollars (\$1,000.00) or less, the vehicle shall be disposed of in the manner provided in ORS 819.280. Evidence regarding market value from any person who deals, trades, buys, or disposes of such vehicles in the ordinary course of such person's business shall be sufficient to establish market value.

(Ord. 178 § 1 (part), 1996)

### **10.28.070 Suspension of notice and hearing requirements.**

In all cases where removal, towing or impoundment of any vehicle has been performed by persons engaged in emergency operations after formal declaration of emergency by the Morrow County court, all notice and hearing requirements contained herein shall be suspended and held in abeyance until abatement of the conditions creating the emergency reasonably allow for providing notice and hearing.

(Ord. 178 § 1 (part), 1996)

### **10. 28.080 Civil penalties.**

Any person who violates the provisions of Section 10.08.090 of this chapter shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).

(Ord. 178 § 1 (part), 1996)

### **10.28.090 Jurisdiction.**

The chapter shall apply within the unincorporated areas of Morrow County and within the boundaries of incorporated cities which have consented to application of this chapter within their boundaries pursuant to the provisions of ORS 203.040. The Circuit, District and Justice Courts for the State of Oregon for the county of Morrow have concurrent jurisdiction over any and all violations of this chapter. In all cases where civil penalty is sought to be imposed as provided in Section 10.32.110 of this chapter, a complaint, signed by the Morrow County district attorney, or the Morrow County counsel, shall be filed in the Morrow County justice court, which shall have original jurisdiction over the proceedings. The proceedings shall thereafter be conducted in accordance with the laws of the state of Oregon and the rules of the Morrow County justice court, including any right of appeal therefrom.

(Ord. 178 § 1 (part), 1996)

## ***Chapter 10.32 MOTOR TRUCK ROUTES***

### **10.32.010 Purpose**

The establishment of Motor Truck Routes is to protect the investment in city streets by the taxpayers of the City of Boardman. The focus of this regulation is to limit the size and weight of tractors and trailers to protect city streets from premature degradation from excessive truck traffic.

### **10.32.020 Operation of motor trucks.**

No person shall drive a motor truck upon or across a street which is not designated as a truck route within the limits of the city of Boardman, except when the street intersects with a street designated as a truck route.

(Ord. 4-2001 § 2)

### **10.32.030 Establishment of truck routes.**

- A. Truck routes are established in the current City of Boardman Transportation System Plan and are depicted in the Truck Freight System map in that TSP, which identifies regional freight routes, local freight routes, and established high, wide, and heavy freight routes used by the Oregon Department of Transportation and the Port of Morrow.

The City of Boardman Transportation System Plan provides the following definitions for truck routes:

- Regional Truck Route - Regional Truck Routes accommodate the continuous and regional flow of truck freight through the city. These routes serve as the primary travel routes for regionally oriented truck freight, connecting freight-generating land uses to the state highway network. They are consistent with the National Highway System Intermodal Connectors.
  - Local Truck Route - Local Truck Routes serve local truck circulation and access and provide for goods and service delivery to individual commercial, employment, and residential land uses outside of industrial areas.
- B. The City Manager is authorized to post streets with No Through Trucks signage to emphasize the established truck routes.

### **10.32.040 Exemptions.**

The provisions of this chapter regulating truck traffic shall not apply to a motor truck of the city, county, or state or public or private utility company while in use for construction or repair work or a motor truck while in use to pick up property for transport or deliver property in transport.

(Ord. 4-2001 § 3)

### **10.32.050 Penalty.**

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500).

(Ord. 4-2001 § 4)

## **Chapter 10.36 PUBLIC SAFETY**

### **10.36.010 Offensive Littering.**

- A. A person commits the crime of offensive littering if he or she creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by:
1. Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way; or
  2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank, or other contaminated source, upon the land of another without permission of the owner, or upon public ways; or
  3. Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which the person is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon or a person operating a school bus subject to Oregon Administrative Rules Pertaining to Pupil Transportation.

- B. As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, county or a local municipality, for use by the general public.

### 10.36.020 Excessive and Unreasonable Noise.

A. Purpose and Legislative Findings.

The City Council finds that excessive and unreasonable noise may adversely affect the public health, safety, welfare, comfort, repose, and quality of life of the residents of the City of Boardman.

The City further finds that residents have the right to peacefully enjoy their homes and property while also recognizing the rights of others to reasonably use their own property for lawful activities, family gatherings, celebrations, recreation, and community events.

The purpose of this section is to establish reasonable standards that balance these interests, encourage voluntary compliance, provide objective guidance for enforcement, and preserve the peaceful character of the community.

B. Definitions.

For purposes of this section:

**Amplified Sound** means sound increased by electrical, mechanical, or electronic equipment, including radios, stereos, loudspeakers, public address systems, televisions, musical instruments connected to amplifiers, Bluetooth speakers, karaoke equipment, and similar devices.

**Plainly Audible** means sound that can be clearly heard by a person of ordinary hearing using no hearing enhancement devices.

**Residential Property** means property used primarily for residential occupancy.

**Responsible Person** means any person who creates, causes, controls, permits, sponsors, organizes, hosts, or knowingly allows the continuation of the noise-producing activity.

C. General Prohibition.

No person shall make, create, continue, permit, or cause any loud, raucous, excessive, or unreasonable noise that would unreasonably disturb the peace, comfort, repose, health, safety, or quiet enjoyment of a reasonable person of ordinary sensitivity.

The determination of whether noise is unreasonable shall be based upon the totality of the circumstances.

D. Factors Considered.

In determining whether noise is unreasonable, an enforcement officer may consider, among other relevant factors:

- Time of day.
- Duration.
- Frequency or repetition.
- Volume and intensity.
- Whether the noise is plainly audible beyond the property from which it originates.
- Whether the noise is audible within neighboring residences.
- Character of the neighborhood.
- Nature and purpose of the activity.
- Reasonable efforts made to reduce the noise.
- Effect upon surrounding residents.
- Previous complaints or warnings regarding the same activity.

No single factor shall be controlling.

E. Specific Acts Constituting Evidence of Unreasonable Noise.

The following activities may constitute evidence of unreasonable noise when considered under the totality of the circumstances:

1. **Amplified Music.** Operating any radio, stereo, television, musical instrument, loudspeaker, outdoor speaker, karaoke system, or other sound-producing device at a volume that unreasonably disturbs neighboring persons or properties.
2. **Residential Gatherings.** Operating amplified sound or permitting excessive shouting, yelling, singing, or similar noise associated with parties, gatherings, celebrations, or other events in a manner that unreasonably disturbs neighboring properties.  
Nothing in this section shall be interpreted to prohibit family gatherings, cultural celebrations, neighborhood events, holiday celebrations, birthday parties, barbecues, or similar lawful activities conducted with reasonable consideration for surrounding residents.
3. **Vehicle Noise.** Operating a motor vehicle in a manner that creates unreasonable noise through:
  - Amplified sound systems;
  - Unnecessary horn use;
  - Excessive engine revving;
  - Tire spinning;
  - Defective or modified exhaust systems.
4. **Animals.** Keeping an animal that habitually or continuously creates noise that unreasonably disturbs neighboring properties.
5. **Construction Activities.** Construction, demolition, excavation, remodeling, or similar work between the hours of 7:00 p.m. and 7:00 a.m., except:
  - Emergency repairs;
  - Public utility emergencies;
  - Activities authorized by City permit.
6. **Mechanical Equipment.** Operating generators, compressors, power equipment, machinery, or similar devices without reasonable noise suppression.
7. **Commercial Activities.** Commercial loading, unloading, deliveries, or business operations adjacent to residential property in a manner that unreasonably disturbs nearby residents.

#### F. Nighttime Amplified Sound.

Between the hours of 10:00 p.m. and 7:00 a.m., amplified sound that is plainly audible within another residence or beyond the property from which it originates may constitute evidence that the noise is unreasonable.

This subsection shall not be interpreted to prohibit enforcement during other hours when circumstances otherwise establish unreasonable noise.

#### G. Exemptions.

This section shall not apply to:

- Police, fire, ambulance, and other emergency vehicles.
- Emergency warning systems.
- Emergency utility repairs.
- City-authorized public works projects.
- Lawfully permitted public events.
- School activities.
- City-sponsored events.
- Agricultural activities conducted in accordance with applicable law.
- Sounds regulated by federal law, including, but not limited to, sounds caused by railroads and aircraft.

#### H. Temporary Noise Permits.

The City Manager or designee may issue temporary permits authorizing community groups and activities that would otherwise violate this section.

Permit conditions may include:

- Hours of operation including the following limitations:
  - Fifty minutes of each hour;
  - Four hours of any 8-hour block of time during weekends; and
  - Three hours between 4:00 p.m. and 9:00 p.m. on weekdays.
- Sound mitigation requirements;
- Speaker placement;
- Other reasonable conditions necessary to minimize impacts.

Permits may be suspended or revoked for noncompliance or where necessary to protect public safety.

#### I. Enforcement.

This section may be enforced by the Boardman Police Department or other persons authorized by the City.

An enforcement officer may rely upon personal observations, witness statements, audio or video recordings, sound measurements when available, or other competent evidence.

A sound level meter shall not be required to establish a violation.

Whenever practical, officers are encouraged to seek voluntary compliance before initiating enforcement. Nothing in this section requires an officer to issue a warning before taking enforcement action.

#### J. Relationship to State Law.

Nothing in this section limits enforcement under Oregon Revised Statutes, including but not limited to ORS 166.025 Disorderly Conduct in the Second Degree, whenever the facts independently establish a violation of state law.

K. Penalties>

A violation of this section constitutes a municipal violation and shall be punishable and may be appealed as provided elsewhere in the Boardman Municipal Code.

Each specific incident and each day of noncompliance will be considered a separate violation of this Title.

**10.36.030 Penalty.**

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500).

## AGENDA BILL

### City Council Meeting – October 6, 2026

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**Subject:** Ordinance 20-2026 An Ordinance Amending The Boardman Municipal Code To Amend Title 3 Revenue And Finance Chapter 3.08 System Development Charges

**Category:** Action Items- Ordinances

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Ordinance 20-2026 amends Boardman Municipal Code Title 3, Chapter 3.08 relating to System Development Charges (SDCs). The update replaces outdated provisions and reorganizes the chapter to provide clearer, more objective standards that are consistent with state law and current practices. The ordinance does not adopt the new SDC methodology or fee amounts; instead, it establishes the statutory framework for how SDCs are administered and managed. The existing Chapter 3.08, including Ordinance 199-1999, will be repealed and replaced. If adopted, the ordinance will take effect 30 days after adoption, on November 5, 2026.

**Attachments:**

Boardman SDC Code Revisions  
Chapter\_3.08\_System-Development-Charges Redline Version  
Ordinance 20-2026  
Chapter\_3.08\_System\_Development\_Charges Clean Version

**Budget/Fiscal Impact:**

NA

**Recommendation:**

Approve

**Proposed Council Motion:**

**Step 1** - Reading into the record

I move to approve the reading by title only of Ordinance 20-2026 An Ordinance Amending the Boardman Municipal Code to Amend Title 3 Revenue and Finance Chapter 3.08 System Development Charges.

**Step 2** – Staff member reads title of Ordinance

**Step 3** – Adoption

I move to adopt Ordinance 20-2026 An Ordinance Amending The Boardman Municipal Code to Amend Title 3 Revenue and Finance Chapter 3.08 System Development Charges.

**To:** Carla McLane, City of Boardman  
**Date:** September 2, 2026  
**From:** John Ghilarducci, FCS, a Bowman company  
**RE:** System Development Charge Policy Analysis

This memorandum documents the policy analysis and recommendations arising out of our review of Chapter 3.08 of the municipal code of the City of Boardman (City). Each major section below provides guidance on a single policy issue. The final major section distills our recommendations into a redline version of Chapter 3.08.

## DEFINITIONS

The definition of “development” should be revised to focus on those activities that increase demand on capital improvements. For example, “dividing land into two or more parcels,” by itself, does not create additional burdens on infrastructure. We recommend substituting the definition from the *Model System Development Charge Ordinance* (League of Oregon Cities, 2019) for the existing language.

Definitions should be omitted for terms that do not recur in Chapter 3.08. This applies to “land area” and “owner.”

The definition of “reimbursement fee” should include the criterion of available capacity to ensure compliance with state law.

## METHODOLOGY

The purpose of a system development charge (SDC) methodology is to calculate, in a manner consistent with state law, the maximum SDC that the City may charge. We therefore recommend adding to Section 3.08.040 the provision that an SDC adopted by the city council must not exceed the SDC calculated in the methodology except when indexing the SDC under the provisions of Oregon Revised Statutes (ORS) 223.304(8).

Section 3.08.050(B) is correct as far as it goes, but it could be improved by specifying that eligible costs create capacity for future users.

## IMPROVEMENT PLAN

We recommend specifying a process for modifying the improvement plan that is consistent with ORS 223.309(2). We also recommend specifying a process for indexing SDCs that is consistent with ORS 223.304(8). The current text is silent on these matters.

## EXEMPTIONS

We find Section 3.08.100(D) to be legally risky and recommend its deletion. If the City engages in development activity that creates additional demand on infrastructure, the City should contribute to the cost of that infrastructure in the same manner as private development.

## CREDITS

Two provisions from Section 3.08.110 should be deleted because they confer powers on the City that are not consistent with state law.

The first is the limitation of a credit for a qualified public improvement to the amount of the improvement fee (subsection B). Section 3.08.110(D) provides a procedure (consistent with the requirements of ORS 223.304) for credits that exceed the improvement fee.

The second is the final clause of Section 3.08.110(E). The “any other rationale” criterion effectively grants license to the city council to exempt any developer from paying an SDC for any reason.

## ANNUAL ACCOUNTING

We recommend revising Section 3.08.130(B) to reflect the annual deadline established in ORS 223.311.

## APPEALS

We suggest reordering the subsections to clarify that Section 3.08.140(B) does not apply to the challenges described in subsection A and subsection D.

## Chapter 3.08 SYSTEM DEVELOPMENT CHARGES

### 3.08.010 Purpose.

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater drainage, streets, flood control, and parks upon those developments that create the need for or increase the demands on capital improvements.

(Ord. 199-1999 § 1)

### 3.08.020 Scope.

The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

(Ord. 199-1999 § 2)

### 3.08.030 Definitions.

As used in this chapter:

"Capital improvements" means facilities or assets used for:

1. Water supply, treatment and distribution;
2. Wastewater collection, transmission, treatment and disposal;
3. Drainage and flood control;
4. Transportation; or
5. Parks and recreation.

"Development" means ~~conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions), and creating or terminating a right of access~~ all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities, any building permit resulting in increased usage of capital improvements, and any new connection or increased size connection for a capital improvement. Development includes the redevelopment of property. Development also includes improved open areas such as plazas and walkways but does not include natural geologic forms or unimproved lands.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 3.08.040 of this chapter.

~~"Land area" means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right of way or easement subject to a servitude for a public street or scenic or preservation purpose.~~

~~"Owner" means the owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.~~

"Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

"Permittee" means the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

"Qualified public improvements" means a capital improvement that is:

1. Required as a condition of development approval;
2. Identified in the plan adopted pursuant to Section 3.08.080 of this chapter; and either
3. Not located on or contiguous to a parcel of land that is the subject of the development approval; or
4. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
5. For purposes of this definition, "contiguous" means in a public way which abuts the parcel.

"Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 3.08.040 of this chapter for which the city council determines that unused capacity exists.

"System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision, expedited land use division or limited land use decision.

(Ord. 199-1999 § 3)

### **3.08.040 System development charge established.**

- A. System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge not to exceed the amount calculated in the methodology adopted pursuant to Section 3.08.050 except when indexing under the provisions of Section 3.08.080(C), the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.
- B. Unless otherwise exempted by the provisions of this chapter or other local or state law, a system development charge is imposed upon all development within the city, upon the act of making a connection to the city water or sewer system within the city, and upon all development outside the boundary of the city that connects to or otherwise used the sewer facilities, storm sewers, or water facilities of the city.

(Ord. 199-1999 § 4)

**3.08.050 Methodology.**

- A. The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.
- B. The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.
- C. The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.

(Ord. 199-1999 § 5)

**3.08.060 Authorized expenditures.**

- A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- B.
  - 1. ~~1.~~ Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development.
  - 2. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to Section 3.08.080 of this chapter.
- C. Notwithstanding subsections (A) and (B) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

(Ord. 199-1999 § 6)

**3.08.070 Expenditure restrictions.**

- A. System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

(Ord. 199-1999 § 7)

**3.08.080 Improvement plan.**

A. The council shall adopt a plan that:

1. A.—Lists the capital improvements that may be funded in whole or in part with improvement fee revenues;
2. B.—Lists the estimated cost and time of construction of each improvement; and
3. C.—Describes the process for modifying the plan.

In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

B. The city council may modify such plan and list at any time. If a system development charge will be increased by a proposed modification to the list to include a capacity increasing public improvement, the city council will:

1. At least thirty (30) days prior to the adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to Section 3.08.120 of this ordinance;
2. Hold a public hearing if a written request for a hearing is received within seven (7) days of the date of the proposed modification.

C. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on:

1. A change in the cost of materials, labor, or real property applied to projects or project capacity as set forth on the list adopted pursuant to Section 3.08.080(A) of this ordinance;
2. The periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:
  - a) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property, or a combination of the three;
  - b) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and
  - c) Incorporated as part of the established methodology or identified and adopted by the city council in a separate resolution.

(Ord. 199-1999 § 8)

**3.08.090 Collection of charge.**

A. The system development charge is payable upon issuance of:

1. A building permit;
2. A development permit;
3. A development permit for development not requiring the issuance of a building permit;
4. A permit or approval to connect to the water system;
5. A permit or approval to connect to the sewer system; or
6. A right-of-way access permit.

- B. If no building, development, or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased based on changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.
- C. If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.
- D. The city manager or designee shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.
- E. The city manager or designee shall not issue such permit or allow such connection until the charge has been paid in full, unless an exemption is granted pursuant to Section 3.08.100 of this chapter.

(Ord. 199-1999 § 9)

### 3.08.100 Exemptions.

- A. Structures and uses established and existing on or before the effective date of the ordinance codified in this chapter are exempt from a system development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the water or sewer system.
- B. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.
- C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.

~~D. A project financed by city revenues is exempt from all portions of the system development charge.~~

(Ord. 199-1999 § 10)

### 3.08.110 Credits.

- A. When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided for by another subsection of this section.
- B. A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit ~~shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee and~~ shall only be for the improvement fee charged for the type of improvement being constructed.
- C. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular

development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request for credit shall be filed in writing no later than sixty (60) days after acceptance of the improvement by the city.

- D. When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.
- E. Notwithstanding subsection D and this subsection, when establishing a methodology for a system development charge, the city may provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's demand upon existing capital improvements and/or the need for future capital improvements, ~~or a credit based upon any other rationale the council finds reasonable.~~
- F. Credits shall not be transferable from one development to another.
- G. Credits shall not be transferable from type of system development charge to another.
- H. Credits shall be used within ten (10) years from the date the credit is given.

(Ord. 199-1999 § 11)

### 3.08.120 Notice.

- A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least ~~forty-five~~<sup>ninety</sup> (45<sup>90</sup>) days prior to the first hearing to adopt or amend a system development charge. The methodology supporting the adoption or amendment shall be available at least ~~thirty-sixty~~ (30<sup>60</sup>) days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the city.
- B. The city may periodically delete names from the list, but at least thirty (30) days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(Ord. 199-1999 § 12)

### 3.08.130 Segregation and use of revenue.

- A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 3.08.060 of this chapter.
- B. The ~~appropriate city official~~<sup>city manager or designee</sup> shall provide the city council with an annual accounting, ~~based on the city's fiscal year~~<sup>by January 1 of each year</sup>, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account in the previous fiscal year.

(Ord. 199-1999 § 13)

**3.08.140 Appeal procedure.**

- A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the city manager or designee describing with particularity the decision of the city manager or designee and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.
- B. ~~Appeals of any other decision required or permitted to be made by the city manager or designee under this chapter must be filed within ten (10) days of the date of the decision.~~
- ~~C.~~ After providing notice to the appellant, the council shall determine whether the city manager or designee's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 223.314 and may affirm, modify, or overrule the decisions. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.
- ~~D.~~ A legal action challenging the methodology adopted by the council pursuant to Section 3.08.050 shall not be filed later than sixty (60) days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100, and not otherwise.
- ~~D.~~ Appeals of any other decision required or permitted to be made by the city manager or designee under this chapter must be files within 10 (10) days of the date of the decision.

(Ord. 199-1999 § 14)

**3.08.150 Prohibited connection.**

No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved.

(Ord. 199-1999 § 15)

**3.08.160 Penalty.**

Violation of Section 3.08.150 of this chapter is punishable by a fine in an amount double the original fee.

(Ord. 199-1999 § 16)

**3.08.170 Construction.**

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this chapter.

(Ord. 199-1999 § 17)

**3.08.180 Classification.**

The city council determines that any fee, rates or charges imposed by this chapter are not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

(Ord. 199-1999 § 19)

(Supp. No. 15)

**CITY OF BOARDMAN  
ORDINANCE NO. 20-2026**

**AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE TO  
AMEND TITLE 3 REVENUE AND FINANCE CHAPTER 3.08 SYSTEM  
DEVELOPMENT CHARGES**

**WHEREAS**, the City of Boardman ("City") has authority granted by the Boardman Charter of 2024; and

**WHEREAS**, the City has an adopted Municipal Code which regulates various financial and revenue provisions such as transient room tax, special assessments, capital reserve account funds, and for this action system development charges as part of Title 3 Revenue and Finance; and

**WHEREAS**, the City has been working to update the System Development Charge methodology and recognized that the provisions in Chapter 3.08 are out of date along with working to better organize the Municipal Code that includes amending provisions to assure they are clearer and objective, and updating the Municipal Code to be more consistent with state law and current practice; and

**WHEREAS**, the System Development Charge update has been underway for several years with the primary delay the need to adopt both a Transportation System Plan and Parks Master Plan to inform the related System Development Charge methodology; and

**WHEREAS**, this adoption of an amended Chapter 3.08 does not include the proposed methodology but is focused on the statutory provisions that regulate how System Development Charges are implemented and managed.

**NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:**

**Section 1 Affected and Attached Documents.** After full consideration of the matter, the City Council of the City of Boardman adopts changes to:

- **Title 3 Revenue and Finance Chapter 3.08 System Development Charges** which is attached as **Exhibit A**.
- All previous versions of **Title 3 Revenue and Finance Chapter 3.08 System Development Charges** including Ordinance 199-1999 are hereby repealed and replaced.

**Section 2 Scrivener's Corrections.** The City Council authorizes the City Manager or designee to take all administrative actions necessary to correct any typographical errors, scrivener's errors, or formatting errors and to take all administrative actions necessary to codify these amendments within the Boardman Municipal Code.

**Section 3 Effective Date.** This ordinance shall take effect 30 days after adoption, or November 5, 2026.

Passed by the Council and approved by the Mayor, this 6th day of October, 2026.

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Paul Keefer, Mayor

ATTEST:

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Amanda Mickles, City Clerk

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## ***Chapter 3.08 SYSTEM DEVELOPMENT CHARGES***

### **3.08.010 Purpose.**

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater drainage, streets, flood control, and parks upon those developments that create the need for or increase the demands on capital improvements.

(Ord. 199-1999 § 1)

### **3.08.020 Scope.**

The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

(Ord. 199-1999 § 2)

### **3.08.030 Definitions.**

As used in this chapter:

"Capital improvements" means facilities or assets used for:

1. Water supply, treatment and distribution;
2. Wastewater collection, transmission, treatment and disposal;
3. Drainage and flood control;
4. Transportation; or
5. Parks and recreation.

"Development" means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities, any building permit resulting in increased usage of capital improvements, and any new connection or increased size connection for a capital improvement. Development includes the redevelopment of property. Development also includes improved open areas such as plazas and walkways but does not include natural geologic forms or unimproved lands.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 3.08.040 of this chapter.

"Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

"Permittee" means the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

"Qualified public improvements" means a capital improvement that is:

1. Required as a condition of development approval;

2. Identified in the plan adopted pursuant to Section 3.08.080 of this chapter; and either
3. Not located on or contiguous to a parcel of land that is the subject of the development approval; or
4. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
5. For purposes of this definition, "contiguous" means in a public way which abuts the parcel.

"Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 3.08.040 of this chapter for which the city council determines that unused capacity exists.

"System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision, expedited land use division or limited land use decision.

(Ord. 199-1999 § 3)

### **3.08.040 System development charge established.**

- A. System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge not to exceed the amount calculated in the methodology adopted pursuant to Section 3.08.050 except when indexing under the provisions of Section 3.08.080(C), the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.
- B. Unless otherwise exempted by the provisions of this chapter or other local or state law, a system development charge is imposed upon all development within the city, upon the act of making a connection to the city water or sewer system within the city, and upon all development outside the boundary of the city that connects to or otherwise used the sewer facilities, storm sewers, or water facilities of the city.

(Ord. 199-1999 § 4)

### **3.08.050 Methodology.**

- A. The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.
- B. The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.

- C. The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.

(Ord. 199-1999 § 5)

### **3.08.060 Authorized expenditures.**

- A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- B.
1. Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development.
  2. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to Section 3.08.080 of this chapter.
- C. Notwithstanding subsections (A) and (B) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

(Ord. 199-1999 § 6)

### **3.08.070 Expenditure restrictions.**

- A. System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

(Ord. 199-1999 § 7)

### **3.08.080 Improvement plan.**

- A. The council shall adopt a plan that:
1. Lists the capital improvements that may be funded in whole or in part with improvement fee revenues;
  2. Lists the estimated cost and time of construction of each improvement; and
  3. Describes the process for modifying the plan.

In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

- B. The city council may modify such plan and list at any time. If a system development charge will be increased by a proposed modification to the list to include a capacity increasing public improvement, the city council will:

1. At least thirty (30) days prior to the adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to Section 3.08.120 of this ordinance;
  2. Hold a public hearing if a written request for a hearing is received within seven (7) days of the date of the proposed modification.
- C. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on:
1. A change in the cost of materials, labor, or real property applied to projects or project capacity as set forth on the list adopted pursuant to Section 3.08.080(A) of this ordinance;
  2. The periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:
    - a) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property, or a combination of the three;
    - b) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and
    - c) Incorporated as part of the established methodology or identified and adopted by the city council in a separate resolution.

(Ord. 199-1999 § 8)

### **3.08.090 Collection of charge.**

- A. The system development charge is payable upon issuance of:
1. A building permit;
  2. A development permit;
  3. A development permit for development not requiring the issuance of a building permit;
  4. A permit or approval to connect to the water system;
  5. A permit or approval to connect to the sewer system; or
  6. A right-of-way access permit.
- B. If no building, development, or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased based on changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.
- C. If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.
- D. The city manager or designee shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.
- E. The city manager or designee shall not issue such permit or allow such connection until the charge has been paid in full, unless an exemption is granted pursuant to Section 3.08.100 of this chapter.

(Ord. 199-1999 § 9)

**3.08.100 Exemptions.**

- A. Structures and uses established and existing on or before the effective date of the ordinance codified in this chapter are exempt from a system development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the water or sewer system.
- B. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.
- C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.

(Ord. 199-1999 § 10)

**3.08.110 Credits.**

- A. When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided for by another subsection of this section.
- B. A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit shall only be for the improvement fee charged for the type of improvement being constructed.
- C. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request for credit shall be filed in writing no later than sixty (60) days after acceptance of the improvement by the city.
- D. When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.
- E. Notwithstanding subsection D and this subsection, when establishing a methodology for a system development charge, the city may provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's demand upon existing capital improvements and/or the need for future capital improvements.
- F. Credits shall not be transferable from one development to another.
- G. Credits shall not be transferable from type of system development charge to another.

H. Credits shall be used within ten (10) years from the date the credit is given.

(Ord. 199-1999 § 11)

### **3.08.120 Notice.**

- A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least ninety (90) days prior to the first hearing to adopt or amend a system development charge. The methodology supporting the adoption or amendment shall be available at least sixty (60) days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the city.
- B. The city may periodically delete names from the list, but at least thirty (30) days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(Ord. 199-1999 § 12)

### **3.08.130 Segregation and use of revenue.**

- A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 3.08.060 of this chapter.
- B. The city manager or designee shall provide the city council with an annual accounting, by January 1 of each year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account in the previous fiscal year.

(Ord. 199-1999 § 13)

### **3.08.140 Appeal procedure.**

- A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the city manager or designee describing with particularity the decision of the city manager or designee and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.
- B. After providing notice to the appellant, the council shall determine whether the city manager or designee's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 223.314 and may affirm, modify, or overrule the decisions. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.
- C. A legal action challenging the methodology adopted by the council pursuant to Section 3.08.050 shall not be filed later than sixty (60) days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100, and not otherwise.

(Supp. No. 15)

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D. Appeals of any other decision required or permitted to be made by the city manager or designee under this chapter must be filed within 10 (10) days of the date of the decision.

(Ord. 199-1999 § 14)

### **3.08.150 Prohibited connection.**

No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved.

(Ord. 199-1999 § 15)

### **3.08.160 Penalty.**

Violation of Section 3.08.150 of this chapter is punishable by a fine in an amount double the original fee.

(Ord. 199-1999 § 16)

### **3.08.170 Construction.**

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this chapter.

(Ord. 199-1999 § 17)

### **3.08.180 Classification.**

The city council determines that any fee, rates or charges imposed by this chapter are not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

(Ord. 199-1999 § 19)

## AGENDA BILL

### City Council Meeting – October 6, 2026

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**Subject:** Resolution 25-2026 A Resolution Adopting Revisions To The City Of Boardman Public Works Standard Drawings

**Category:** Action Items- Resolution

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Resolution 25-2026 updates the City of Boardman Public Works Standard Drawings previously adopted as part of the July 2025 Public Works Standards under Resolution 23-2025.

Public Works staff periodically encounter development situations that are best communicated through standardized drawings. In addition, several existing drawings require updates to reflect current industry standards.

The resolution adopts additions and updates for Ribbon Curb and Drainage Swale, Pavement Striping and Markings, Sewer Service Curb Stamp, 3" or Larger Water Service, Main Dead-end Blowoff Assembly, Water Service Curb Stamp, and Chlorination and Bacteria Testing. These drawings will be incorporated into the City's existing Public Works Standards. All other provisions adopted by Resolution 23-2025 will remain in full force and effect.

**Attachment:**

Resolution 25-2026  
Public Works Standard

**Budget/Fiscal Impact:**

NA

**Recommendation:**

Approve

**Proposed Council Motion:**

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I move to approve Resolution 25-2026 A Resolution Adopting Revisions To The City Of Boardman Public Works Standard Drawings.

CITY OF BOARDMAN  
RESOLUTION 25-2026

A RESOLUTION ADOPTING REVISIONS TO THE CITY OF BOARDMAN PUBLIC  
WORKS STANDARD DRAWINGS

**WHEREAS,** the City of Boardman (City) adopted the July 2025 Public Works Standards, including Technical Specifications and Drawings, by Resolution 23-2025; and

**WHEREAS,** Public Works staff periodically encounter development situations that are best portrayed through standard drawings; and

**WHEREAS,** certain existing Standard Drawings require updates to reflect current industry standards; and

**WHEREAS,** Public Works staff have prepared additions and updates to the following Standard Drawings: Ribbon Curb and Drainage Swale; Pavement Striping and Markings; Sewer Service Curb Stamp; 3" or Larger Water Service; Main Dead-end Blowoff Assembly; Water Service Curb Stamp; and Chlorination and Bacteria Testing; and

**WHEREAS,** the Boardman City Council has considered the proposed additions and updates to the Public Works Standard Drawings.

**NOW, THEREFORE, BE IT RESOLVED:** The City adopts the additions and updates to the Public Works Standard Drawings identified above, which shall be incorporated into and made part of the City's Public Works Standards adopted by Resolution 23-2025.

**BE IT FURTHER RESOLVED:** Except as modified by this Resolution, the Public Works Standards adopted by Resolution 23-2025 remain in full force and effect.

DATED this 6<sup>th</sup> day of October 2026.

CITY OF BOARDMAN

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Mayor – Paul Keefer

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Council President – Cristina Cuevas

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Councilor – Cristina Cuevas

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Councilor – Heather Baumgartner

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Councilor – Brenda Profitt

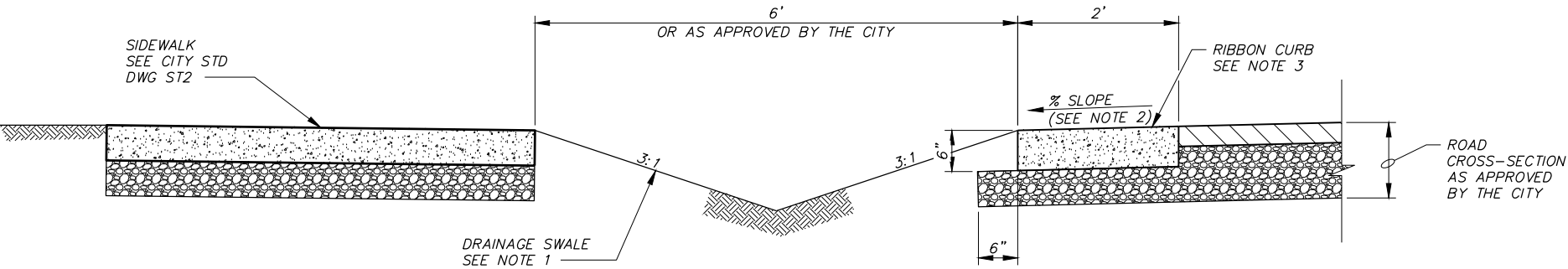
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Councilor – Michael Hughes

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Councilor – Isavel Gonzalez

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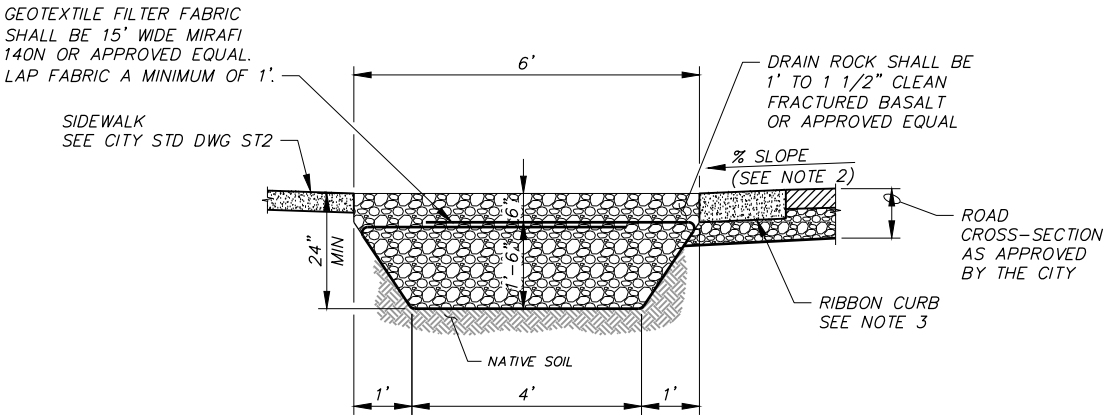
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Amanda Mickles – City Clerk

- NOTES
- 1. SLOPE SHALL BE 3:1 UNLESS APPROVED BY THE CITY. DRAINAGE SWALE SHALL BE PLANTED WITH GRASS OR SOD OVER A MINIMUM OF 6" OF THE TOP SOIL.
  - 2. NORMAL SLOPE SHALL BE 2.5% AND MAY VARY WITH THE CITY'S APPROVAL.
  - 3. ALL CONCRETE SHALL BE COMMERCIAL GRADE 4,000 PSI CONCRETE.



**RIBBON CURB AND DRAINAGE SWALE OPTION 1**

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**INFILTRATION SWALE OPTION 2**

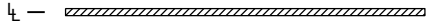
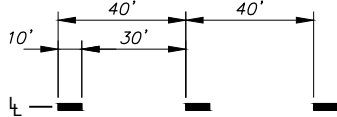
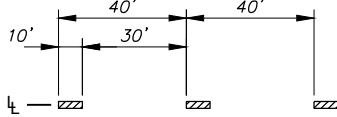
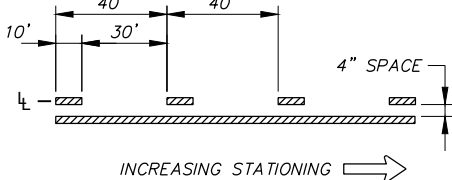
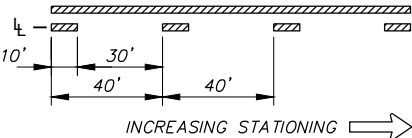
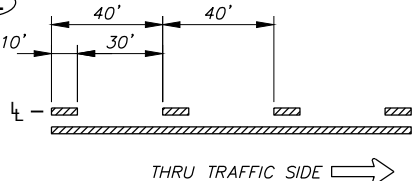
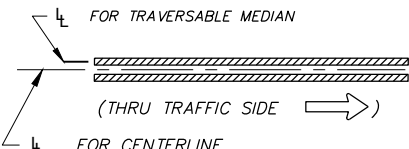
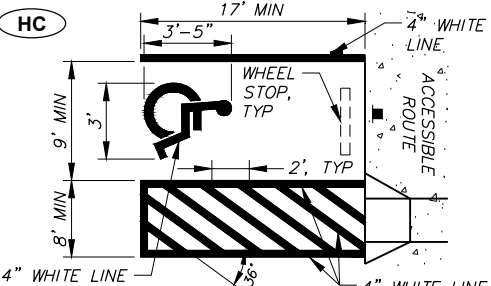
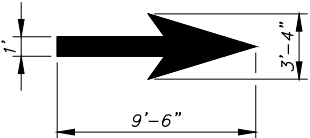
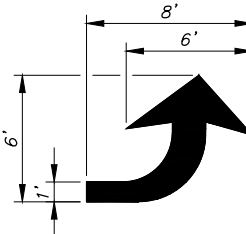
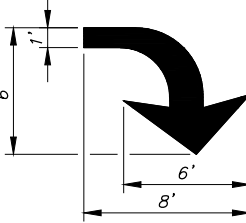
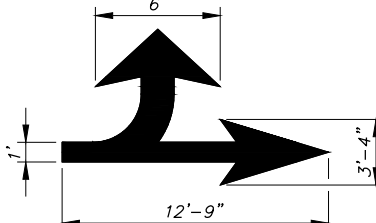
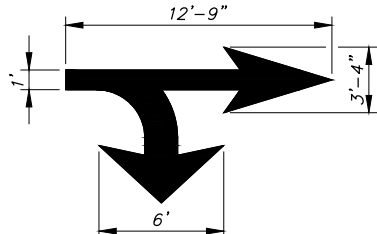
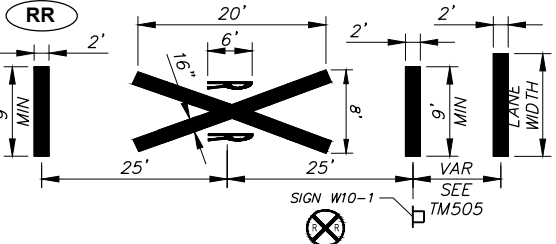
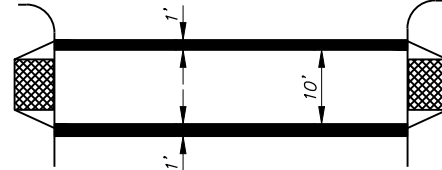
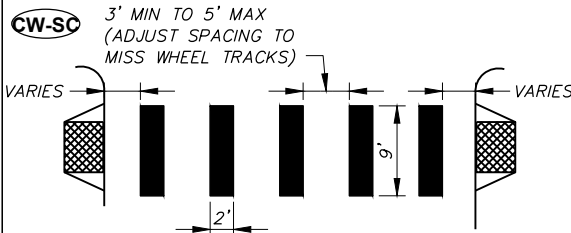
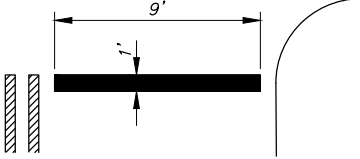
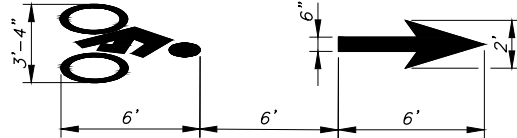
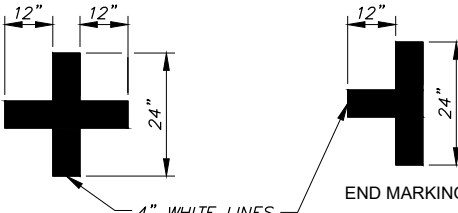
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CITY OF  
BOARDMAN, OREGON  
STANDARD DRAWING

RIBBON CURB DRAINAGE SWALE

DRAWING  
ST5

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| <div>W</div> <div></div> <div>4" WHITE LINE</div>                                                                                                                                                                 | <div>W-2</div> <div></div> <div>8" WHITE LINE</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <div>Y</div> <div></div> <div>4" YELLOW LINE</div>                                                                                                   | <div>WB</div> <div></div> <div>4" WHITE BROKEN LINE</div>                                                                                                                            | <div>YB</div> <div></div> <div>4" YELLOW BROKEN LINE</div>                                                                                                                                                            |
| <div>NPR</div> <div></div> <div>NO-PASS RIGHT<br/>4" YELLOW LINES</div>                                                                                                                                           | <div>NPL</div> <div></div> <div>NO-PASS LEFT<br/>4" YELLOW LINES</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <div>TWL</div> <div></div> <div>TWO-WAY LEFT TURN<br/>4" YELLOW LINES</div>                                                                          | <div>ND</div> <div></div> <div>NARROW DOUBLE NO-PASS<br/>TWO 4" YELLOW LINES</div>                                                                                                   | <div>HC</div> <div></div> <div>DISABLED PARKING DETAIL (WHITE)</div>                                    |
| <div>SA</div> <div></div> <div>STRAIGHT ARROW (WHITE)<br/>FOR ARROW PORTION DETAILS, SEE CURRENT VERSION<br/>OF ODOT STANDARD HIGHWAY SIGNS</div>                                               | <div>LA</div> <div></div> <div>LEFT TURN ARROW (WHITE)<br/>FOR ARROW PORTION DETAILS, SEE CURRENT VERSION<br/>OF ODOT STANDARD HIGHWAY SIGNS</div>                                                                                                                                                                                                                                                                                                                                                                                                        | <div>RA</div> <div></div> <div>RIGHT TURN ARROW (WHITE)<br/>FOR ARROW PORTION DETAILS, SEE CURRENT VERSION<br/>OF ODOT STANDARD HIGHWAY SIGNS</div> | <div>LSA</div> <div></div> <div>LEFT TURN STRAIGHT ARROW (WHITE)<br/>FOR ARROW PORTION DETAILS, SEE CURRENT VERSION<br/>OF ODOT STANDARD HIGHWAY SIGNS</div> | <div>RSA</div> <div></div> <div>RIGHT TURN STRAIGHT ARROW (WHITE)<br/>FOR ARROW PORTION DETAILS, SEE CURRENT VERSION<br/>OF ODOT STANDARD HIGHWAY SIGNS</div>                          |
| <div>RR</div> <div></div> <div>RAILROAD CROSSING (WHITE)<br/>INSTALL PER ODOT RAIL CROSSING ORDER OR AS SHOWN<br/>FOR LETTER PROPORTION DETAILS.<br/>SEE CURRENT VERSION OF ODOT STANDARD HIGHWAY SYMBOLS</div> | <div>CW</div> <div></div> <div>STANDARD CROSSWALK<br/>TWO 1' WHITE BARS<br/>INSTALL PER ODOT STANDARD DRAWING TM530</div>                                                                                                                                                                                                                                                                                                                                                                                                                                | <div>CW-SC</div> <div></div> <div>STAGGERED CONTINENTAL CROSSWALK<br/>2' WHITE BARS<br/>INSTALL PER ODOT STANDARD DRAWING TM530</div>              | <div>S</div> <div></div> <div>STOP BAR<br/>1' WHITE BAR<br/>INSTALL PER ODOT STANDARD DRAWING TM530</div>                                                                          | <div>BS</div> <div></div> <div>BIKE LANE STANDARD STENCIL<br/>CENTER MARKINGS WITHIN LANE WIDTH<br/>FOR PROPORTION DETAILS, SEE CURRENT VERSION<br/>OF ODOT STANDARD HIGHWAY SIGNS</div> |
| <div>P</div> <div></div> <div>ON-STREET PARKING DETAIL (WHITE)</div>                                                                                      | <div>LEGEND</div> <div> LANE LINE DIMENSIONS SHALL BE SHOWN ON THE STRIPING PLANS</div> <div> DIRECTION OF TRAFFIC, INCREASING STATIONING OR THRU TRAFFIC SIDE</div> <div>NOTES</div> <div>1. CENTER PAVEMENT MARKINGS WITHIN THE LANE WIDTH.</div> <div>2. ALL PAVEMENT MARKINGS SHALL BE TYPE B-HS FUSED THERMOPLASTIC FILM CONFORMING TO CITY SPECIFICATIONS.</div> <div>3. STAGGERED CONTINENTAL CROSSWALK ON ALL ARTERIAL CROSSINGS OR IN SCHOOL ZONES.</div> |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                          |



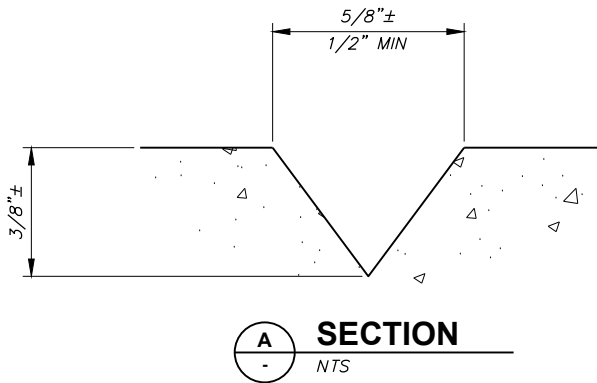
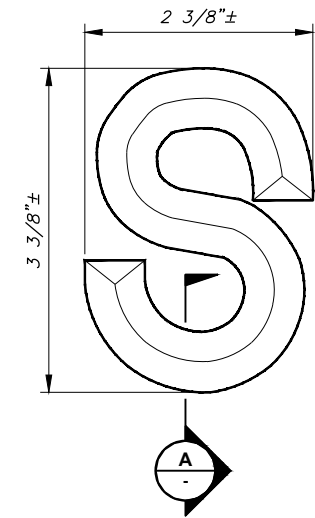
CITY OF  
BOARDMAN, OREGON  
STANDARD DRAWING

PAVEMENT STRIPING AND MARKINGS

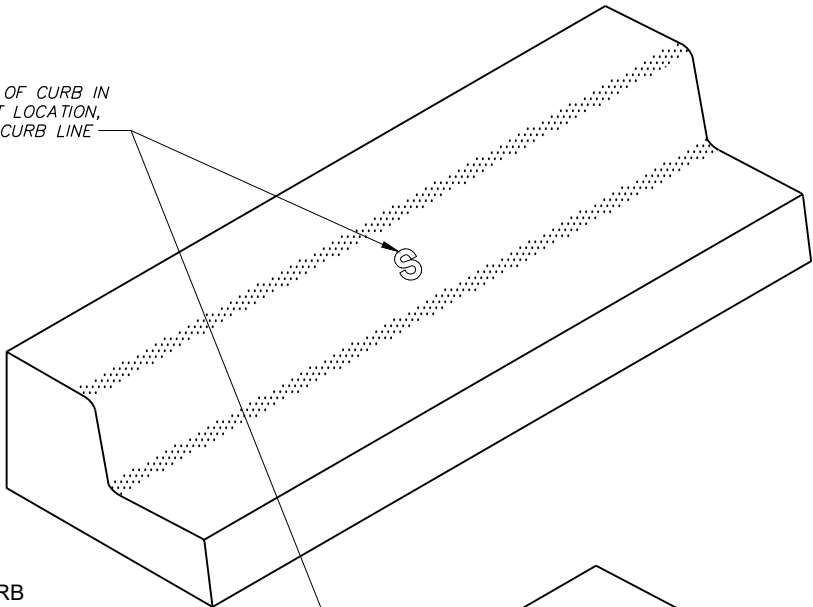
DRAWING  
ST16

NOTES

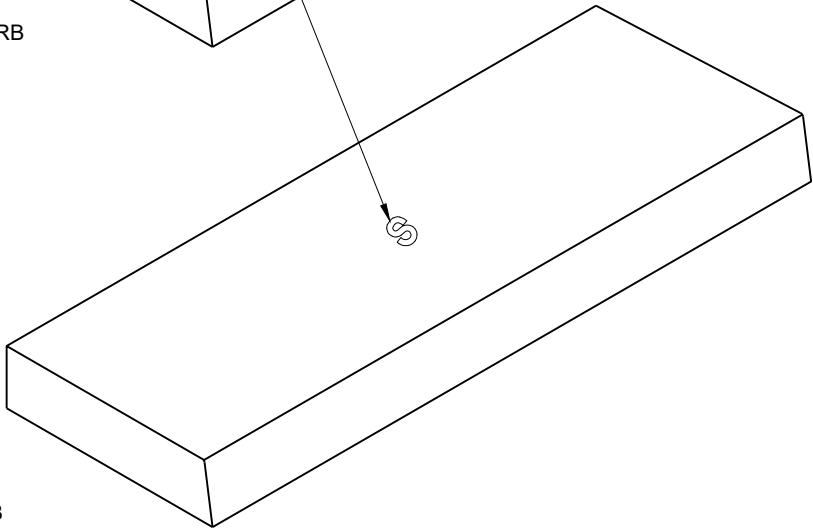
- 1. ALL NEW AND EXISTING SANITARY SEWER SERVICE LOCATIONS SHALL BE MARKED IN CURB AS SHOWN. STAMPING OF SERVICE LOCATIONS SHALL BE CONSIDERED INCIDENTAL TO THE PRICE OF THE CURB.
- 2. STAMPS MAY BE PURCHASED FROM THE CITY.
- 3. S's NOT PLACED BY SPECIFIC STAMP WILL NOT BE ACCEPTED AND THAT SECTION OF CURB SHALL BE REMOVED AND REPLACED.



STAMP "S" IN FACE OF CURB IN  
LINE WITH CLEANOUT LOCATION,  
PERPENDICULAR TO CURB LINE



STANDARD CURB



RIBBON CURB

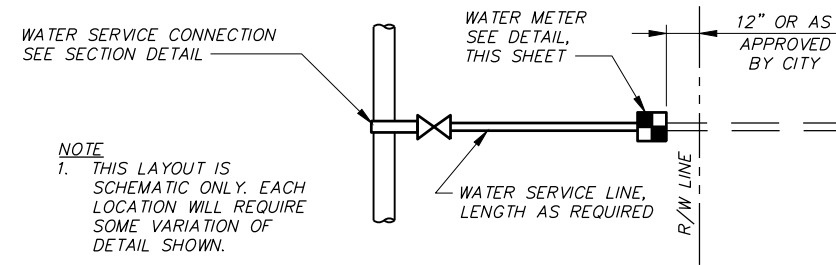


CITY OF  
BOARDMAN, OREGON  
STANDARD DRAWING

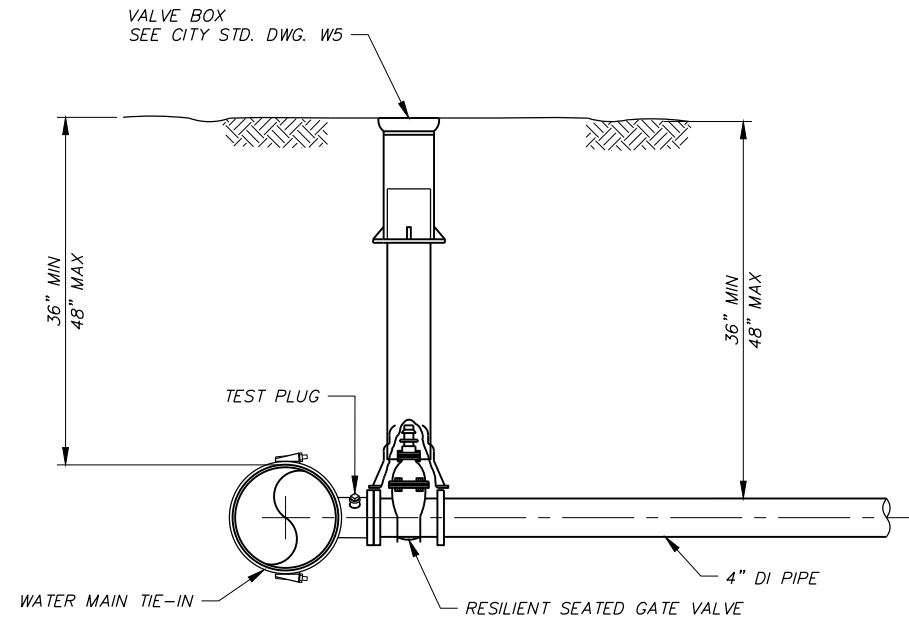
SEWER SERVICE CURB STAMP

DRAWING

S8



PLAN



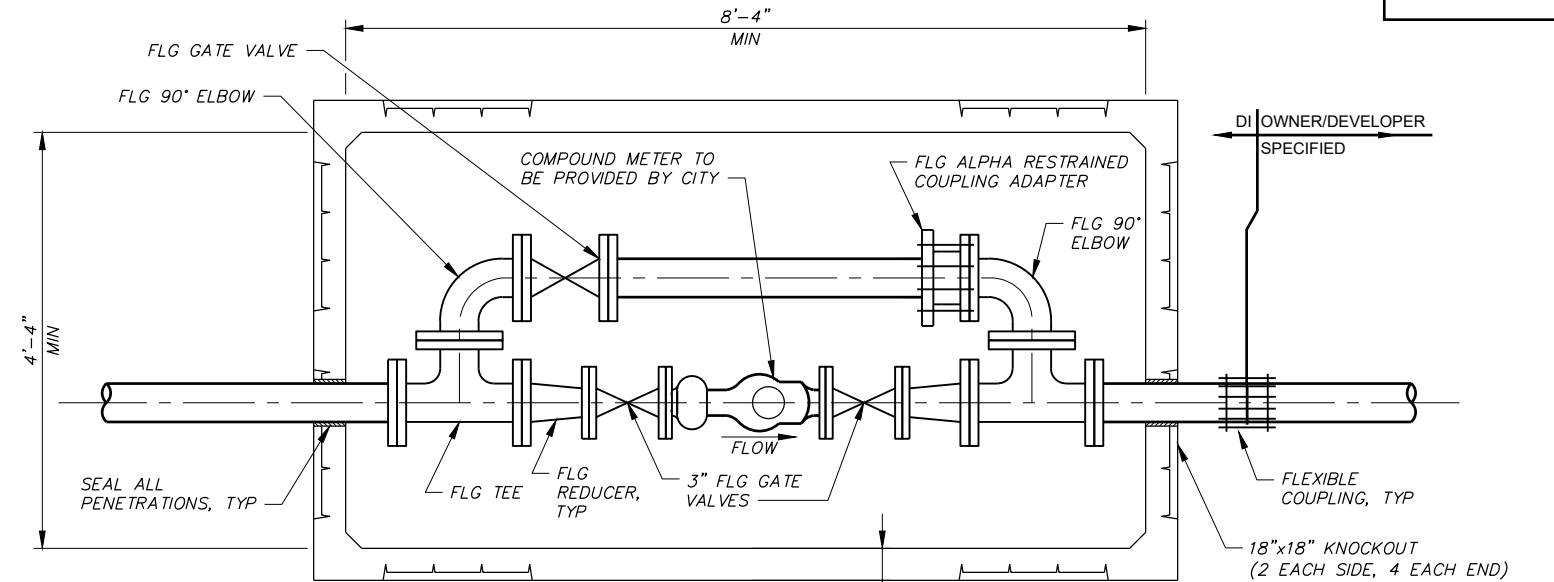
SECTION

### TYPICAL 3" WATER SERVICE LINE

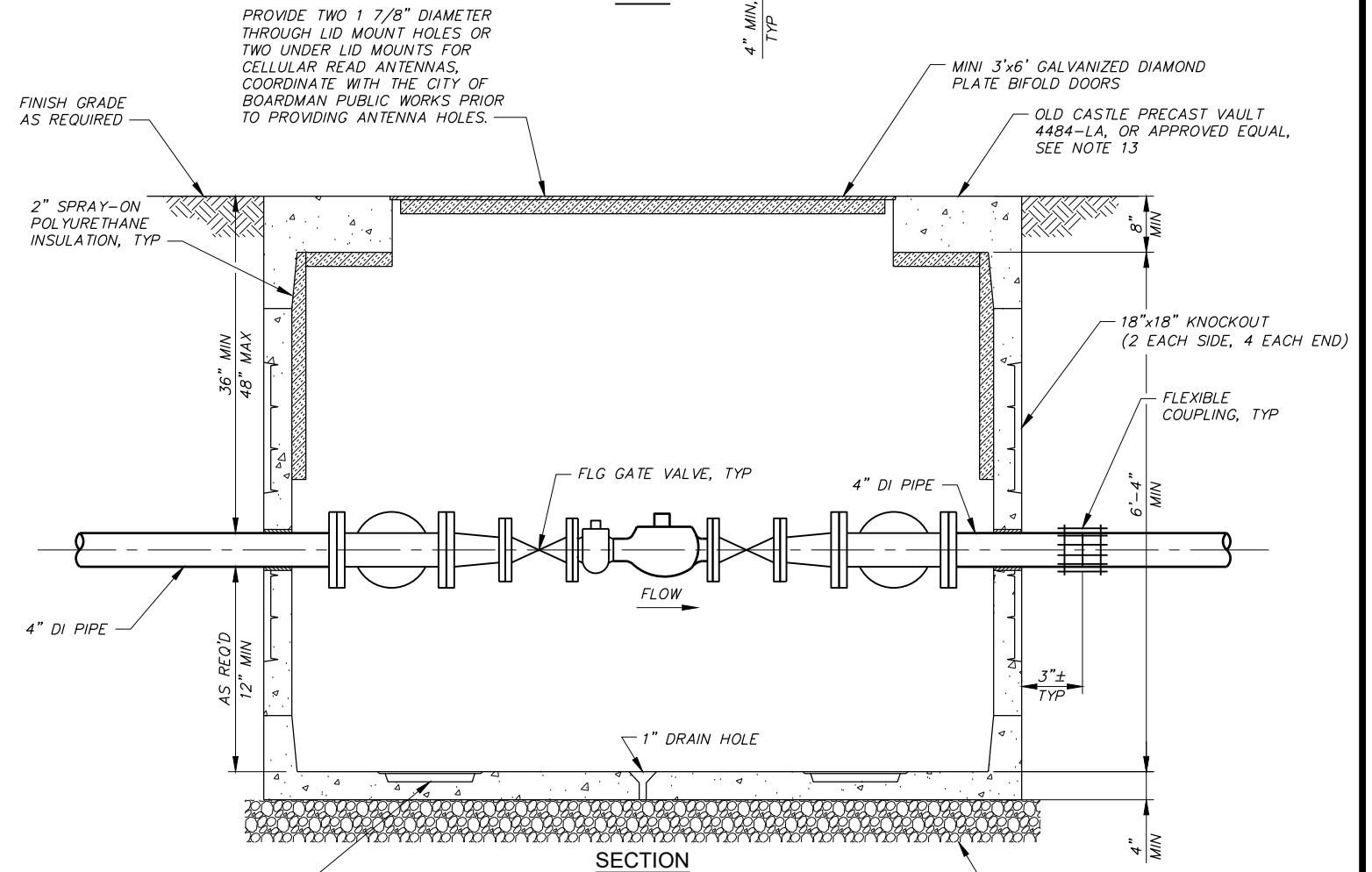
NTS

#### NOTES

1. VAULTS SHALL BE SET PLUMB WITH TOP LEVEL.
2. PROVIDE LADDER IN VAULT. LADDER TO BE APPROVED BY CITY PRIOR TO INSTALLATION. LADDER IS NOT SHOWN FOR CLARITY.
3. GATE VALVES SHALL HAVE HAND WHEEL OPERATORS.
4. COMPONENT SIZE AS REQUIRED.
5. FIRE LINE SHALL HAVE A DOUBLE CHECK ASSEMBLY INSTALLED UPSTREAM FROM THE WATER METER.
6. ALL BACKFILL AND AGGREGATE SHALL BE COMPACTED TO 95% MAXIMUM DRY DENSITY PER ASTM D1557, SEE CITY STD DWG ST1.
7. METER VAULT SHALL BE CENTERED OVER THE COMPLETED METER ASSEMBLY.
8. METERSETTER SHALL BE PERPENDICULAR TO CURB LINE.
9. TRAFFIC BEARING METER VAULT LIDS SHALL BE USED WHERE METERS ARE LOCATED WITHIN ANY PORTION OF DRIVEWAYS OR APRON OR OTHER TRAFFIC AREAS.
10. WATER SERVICE SHALL BE INSTALLED IN A DIRECT LINE BETWEEN TAP AND METER.
11. DO NOT INSTALL MORE THAN ONE METER PER SERVICE LINE.
12. FOR METERS 4-INCHES AND LARGER, A CUSTOM WATER SERVICE DETAIL SHALL BE PROVIDED TO THE CITY FOR THEIR REVIEW AND APPROVAL.



PLAN



SECTION

### TYPICAL 3" WATER METER INSTALLATION

NTS

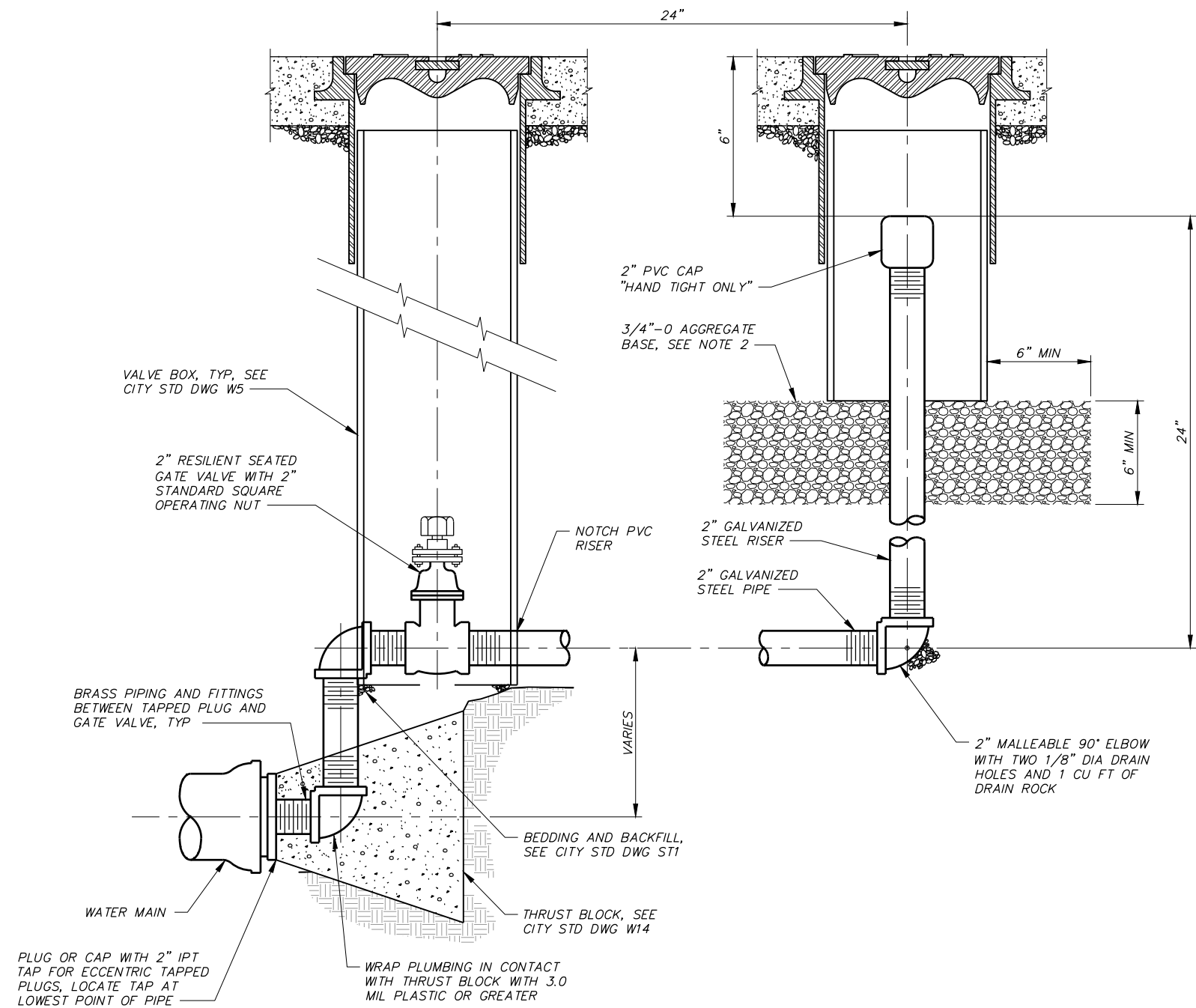


CITY OF  
BOARDMAN, OREGON  
STANDARD DRAWING

3" WATER SERVICE

DRAWING

W4



**NOTES**

1. BLOW-OFF ASSEMBLIES ARE GENERALLY NOT TO BE USED BUT MAY BE APPROVED IN SPECIAL CIRCUMSTANCES AS DETERMINED BY THE CITY.
2. ALL AGGREGATE BASE SHALL BE COMPACTED TO 95% MAXIMUM DRY DENSITY PER ASTM D1557.

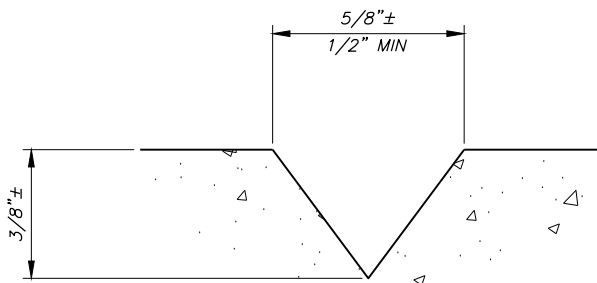
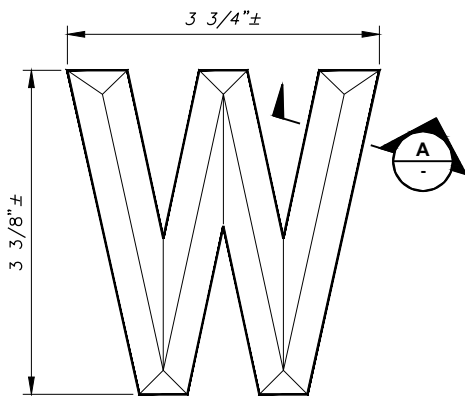
**MAIN DEAD-END BLOWOFF ASSEMBLY**

NTS

X:\Clients\Boardman OR\City Standard Drawings\CAD\439-101\_W10.dwg, W10, 9/28/2026 9:44 AM, cglmore

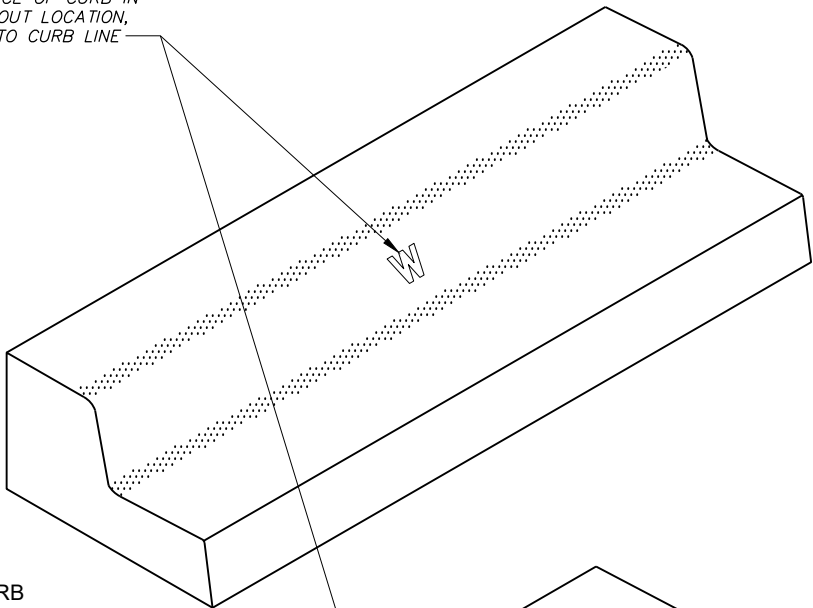
NOTES

- 1. ALL NEW AND EXISTING WATER SERVICE LOCATIONS SHALL BE MARKED IN CURB AS SHOWN OR AS APPROVED BY THE CITY ENGINEER. STAMPING OF SERVICE LOCATIONS SHALL BE CONSIDERED INCIDENTAL TO THE PRICE OF THE CURB.
- 2. STAMPS MAY BE PURCHASED FROM THE CITY.
- 3. W's NOT PLACED BY SPECIFIC STAMP WILL NOT BE ACCEPTED AND THAT SECTION OF CURB SHALL BE REMOVED AND REPLACED.
- 4. SEE CITY STD DWG S8 FOR SEWER SERVICE LOCATION CURB STAMP.

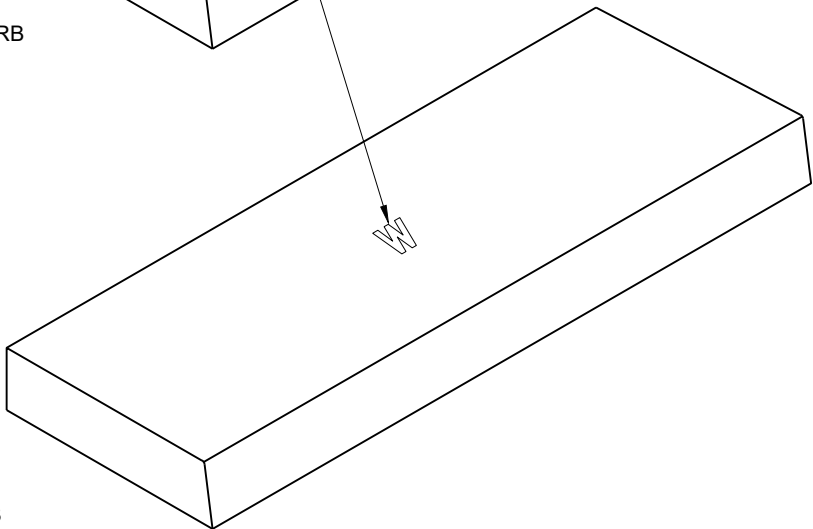


**A SECTION**  
NTS

STAMP "W" IN FACE OF CURB IN  
LINE WITH CLEANOUT LOCATION,  
PERPENDICULAR TO CURB LINE



STANDARD CURB



RIBBON CURB



CITY OF  
BOARDMAN, OREGON  
STANDARD DRAWING

WATER SERVICE CURB STAMP

DRAWING  
**W15**

CHLORINATION AND BACTERIA TESTING PROCDEEDURES

NEW MAIN TESTING IF CONNECTED TO EXISTING

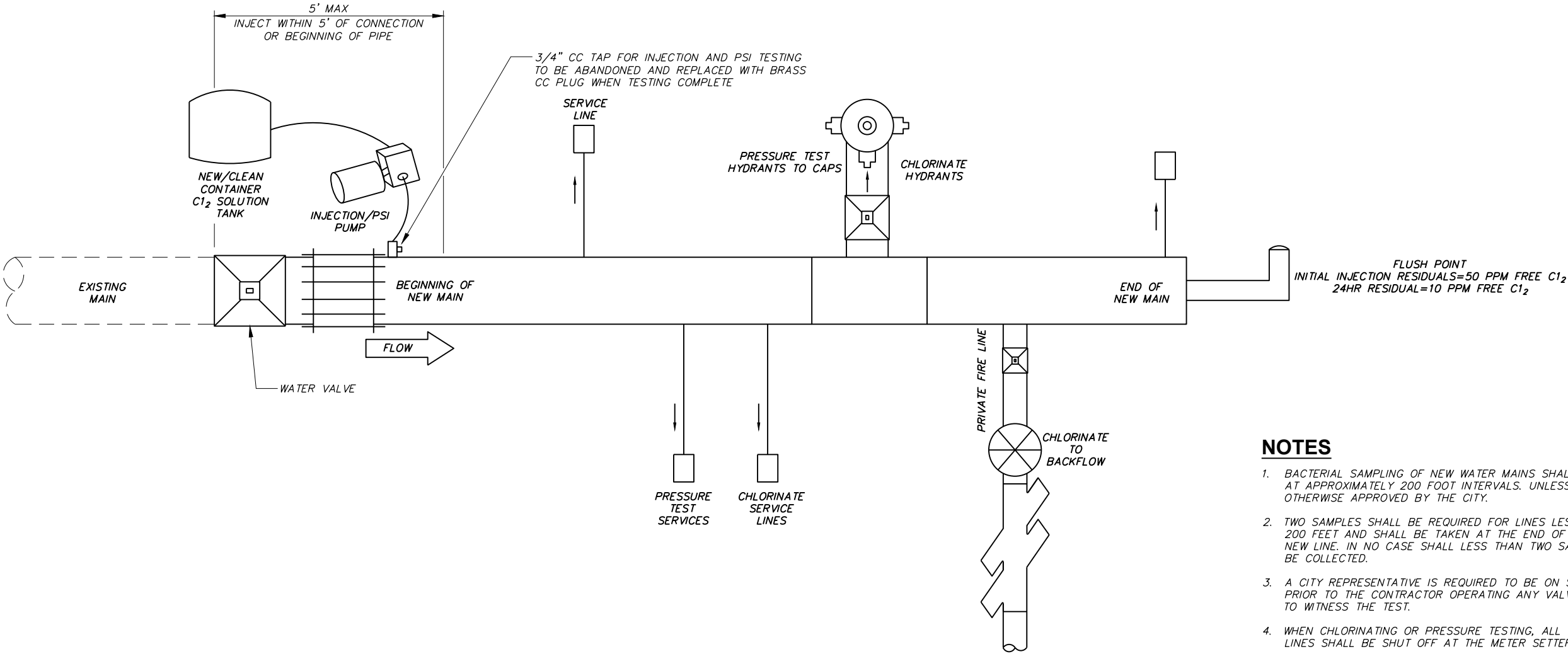
- DAY 1
- 1. FLUSH MAIN
  - 2. INJECT  $Cl_2$  TO 25 MG/L MINIMUM (CITY VERIFY)
  - 2A. 24-48HR HOLDING TIME
- DAY 2
- 3.  $Cl_2$  RESIDUAL  $\geq 10$  MG/L MIN (IF NO-RESTART STEP 1-CITY VERIFY)
  - 3A. FLUSH  $Cl_2$  TO  $\leq 1.0$  MG/L
  - 3B. 16-24HR HOLDING TIME
- DAY 3
- \*4. PULL BAC-T SAMPLE(S) CITY DETERMINES QUANTITY (CITY PROVIDES BAC-T BOTTLES)
  - 4A. 24HR SAMPLE TIME
- DAY 4
- 5. IF BAC-T RESULTS ARE POSITIVE
  - 5A. START BACK @ STEP 1
  - 5B. OR OPTIONALLY ONLY AFTER FIRST POSITIVE RESULTS, START BACK AT STEP 3A
- 6. IF BAC-T RESULTS ARE NEGATIVE:
  - 6A. BAC-T TEST COMPLETE. READY FOR PRESSURE TEST (CITY WITNESS)

\*BAC-T SAMPLES NOT PERMITTED ON: FRI, SAT, SUN, OR HOLIDAYS

NEW MAIN TESTING IF NOT CONNECTED TO EXISTING

- DAY 1
- 1. FLUSH
  - 2. PRESSURE TEST (CITY WITNESS)
  - 3. INJECT  $Cl_2$  TO 25 MG/L MINIMUM (CITY VERIFY)
  - 3A. 24-48HR HOLDING TIME
- DAY 2
- 4.  $Cl_2$  RESIDUAL  $\geq 10$  MG/L MIN (IF NO-RESTART STEP 3 - CITY VERIFY)
  - 4A. FLUSH  $Cl_2$  TO  $\leq 1.0$  MG/L
  - 4B. 16-24HR HOLDING TIME
- DAY 3
- \*5. PULL BAC-T SAMPLE(S)-CITY DETERMINES QUANTITY (CITY PROVIDES BAC-T BOTTLES)
  - 5A. 24HR SAMPLE TIME
- DAY 4
- 6. IF BAC-T RESULTS ARE POSITIVE
  - 6A. START BACK @ STEP 3
  - 6B. OR OPTIONALLY ONLY AFTER FIRST POSITIVE RESULTS, START BACK AT STEP 4A
- 7. IF BAC-T RESULTS ARE NEGATIVE
  - 7A. BAC-T TESTING IS COMPLETE

\*BAC-T SAMPLES NOT PERMITTED ON: FRI, SAT, SUN, OR HOLIDAYS



NOTES

- 1. BACTERIAL SAMPLING OF NEW WATER MAINS SHALL OCCUR AT APPROXIMATELY 200 FOOT INTERVALS. UNLESS OTHERWISE APPROVED BY THE CITY.
- 2. TWO SAMPLES SHALL BE REQUIRED FOR LINES LESS THAN 200 FEET AND SHALL BE TAKEN AT THE END OF THE NEW LINE. IN NO CASE SHALL LESS THAN TWO SAMPLES BE COLLECTED.
- 3. A CITY REPRESENTATIVE IS REQUIRED TO BE ON SITE PRIOR TO THE CONTRACTOR OPERATING ANY VALVES AND TO WITNESS THE TEST.
- 4. WHEN CHLORINATING OR PRESSURE TESTING, ALL SERVICE LINES SHALL BE SHUT OFF AT THE METER SETTER.



CITY OF  
BOARDMAN, OREGON  
STANDARD DRAWING

CHLORINATION AND BACTERIA TESTING

DRAWING  
W16

## AGENDA BILL

### City Council Meeting – October 6, 2026

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**Subject:** B2H Temporary Construction Easement Extension

**Category:** Action Item-Other Business

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

The City of Boardman and Idaho Power Company previously entered into a Temporary Construction Easement in September 2024. This amendment would extend the existing easement for an additional 15 months from the effective date of the amendment, unless Idaho Power terminates the easement earlier by providing written notice to the City. All other terms and conditions of the original easement will remain unchanged and in full effect.

**Attachment:**

TCE Extension Agreement City of Boardman

**Budget/Fiscal Impact:** NA

**Recommendation:** NA

**Proposed Council Motion:**

I move to approve City Manager Hammond to sign the amendment to temporary construction easement



**Recording Requested by  
and after Recording Return to:**

Idaho Power Company  
Corporate Real Estate  
P.O. Box 70  
Boise, ID 83707

**Amendment to  
Temporary Construction Easement**

On or about September 6, 2024, City of Boardman, a Municipal Corporation, Grantor, and Idaho Power Company, Grantee, did enter into a Temporary Construction Agreement located on, over, and across property of Grantor (“Temporary Construction Easement Areas”) as more particularly described and incorporated herein as Exhibit A to this agreement (“Temporary Construction Easement Amendment”).

Grantor and Grantee agree the Temporary Construction Easement will be amended pursuant to the terms set forth herein, and the Term of the Temporary Construction Easement will be extended for a period of 15 Months from the effective date of this Temporary Construction Easement Amendment or such earlier time as Grantee provides Grantor with written notice of Grantee’s termination of the Temporary Construction Easement.

Except as expressly amended hereby, the Temporary Construction Easement shall remain in full force and effect until termination of the Temporary Construction Easement.

This Temporary Construction Easement Amendment shall run with the land and be binding upon the parties’ successors and assigns.

*[Signatures on following page]*

Executed and delivered this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

**Grantor:** City of Boardman, a Municipal Corporation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Accepted and acknowledged on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

**Grantee:** Idaho Power Company

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title



**Recording Requested by  
and after Recording Return to:**

Idaho Power Company  
Corporate Real Estate  
P.O. Box 70  
Boise, ID 83707

## **Temporary Construction Easement**

City of Boardman, a Municipal Corporation, Grantor, does hereby grant and convey to IDAHO POWER COMPANY, a corporation, with its principal office located at 1221 West Idaho Street, Boise, Idaho, its licensees, successors, and assigns (including its future Boardman to Hemingway Power Line project partners), Grantee, for One Dollar and other valuable considerations, receipt of which is hereby acknowledged, a temporary construction easement ("Easement") over and across the following premises, belonging to the said Grantors in Morrow County, State of Oregon in the following location ("Easement Area"):

See Attached Exhibit "D"

The Easement Area is located within Grantor's larger parcel of land described on the attached Exhibit "E".

Grantee is authorized to use the Easement Area as a construction staging area for Grantee's Boardman-to-Hemingway Power Line construction project, including the transportation and storage of large utility construction vehicles, equipment, and materials upon the Easement Area; the clearing, grading and graveling of the Easement Area as necessary for Grantee's staging area operations; the excavation and piling of soil on the Easement Area; the installation of temporary fences and gates on the Easement Area; and other related uses of the Easement Area as a construction staging area.

The term of this Easement shall run through October 31, 2026, or such earlier time as Grantee provides written notice to Grantor of Grantee's termination of this Easement ("Term"). At the end of the Term, Grantee will repair any material damage it has caused to the Easement Area and remove all vehicles, equipment, materials, fences, gates and other improvements it has placed on the Easement Area.

Grantee shall enter upon the Easement Area at its sole risk and hazard. Grantee and its successors and assigns individually release Grantor from any claims relating to the condition of the Easement Area and the entry upon the Easement Area by Grantee, its agents, servants, contractors, and other such parties associated with Grantee.

Grantee accepts the Easement Area and all aspects thereof in "AS IS," "WHERE IS" condition, without warranties, either express or implied, "WITH ALL FAULTS," including but not limited to both latent and patent defects, and the existence of hazardous materials, if any. GRANTEE hereby waives all warranties, express or implied, regarding the title, condition and use of the Easement Area, including, but not limited to any warranty of merchantability or fitness for a particular purpose.

The Temporary Construction Easement will terminate upon the completion of Grantee's construction activities described above for the Boardman to Hemingway Power Line project. Such termination will be

self-operative without the requirement of a written release; provided, however, after such termination, upon written request by Grantor, Grantee shall execute and deliver to Grantor an instrument, provided by Grantor, which shall memorialize the termination of the Temporary Construction Easement for recording in the official records of Morrow County, Oregon. In all events, this Temporary Construction Easement and all rights granted hereunder shall terminate no later than December 31, 2026. Upon termination of the Temporary Construction Easement, Grantee will promptly repair any damage it and/or Grantee's agents, servants, employees, consultants, contractors, and subcontractors have caused to the Easement Area and restore the Grantor's Property and the improvements thereon to the substantially the same condition as they existed prior to Grantee's entry onto Grantor's Property. Further, Grantee shall promptly remove all vehicles, equipment, materials, fences, gates and other improvements it has placed on the Easement Area. Grantee will not be required to remove gravel placed on the surface of the Easement Area.

Grantee shall defend, indemnify and hold the Grantor harmless for, from, and against any and all claims, actions and demands against, any and all losses, damages, liens, liabilities, obligations, and costs (including reasonable attorney fees) incurred or sustained by Grantor, arising out of Grantee's (including Grantee's agents, servants, employees, consultants, contractors, and subcontractors, or other personnel) entry onto Grantor's Property or use or exercise of the easement of any kind, except for claims, actions, demands, losses, damages, liabilities, obligations, or costs arising out of the negligence or willful misconduct of the Grantor. The defense of Grantor shall be by an experienced attorney acting reasonably and in good faith, who is skilled in the defense of the claims threatened.

Grantee shall obtain and maintain the following insurance coverages: (i) comprehensive general liability insurance, including contractual liability coverage, to include Grantor as an additional insured and providing coverage with a combined bodily injury, death, and property damage limit of Two Million and 00/100 Dollars (\$2,000,000.00) per occurrence; (ii) all workers' compensation and employers' liability insurance required under applicable Workers' Compensation Acts and/or applicable law in addition to maintaining employers' liability insurance in the amount of One Million and 00/100 Dollars (\$1,000,000.00); and (iii) automobile liability insurance in the amount of One Million and 00/100 Dollars (\$1,000,000.00). Grantee shall provide Grantor with a certificate of insurance, which certificate shall provide that should any of the above-described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Grantee shall not permit or suffer any liens to be filed against Grantor's real property arising out of work performed or materials delivered in connection with work performed pursuant to this easement agreement and, without limitation of the other provisions of this easement agreement, shall promptly discharge or bond over (in accordance with applicable law) any liens so filed so as to remove same as an encumbrance against the real property.

Grantee shall promptly repair any damage to Grantor's Property and any improvements located thereon caused by Grantee and/or Grantee's agents, servants, employees, consultants, contractors, and subcontractors, and will restore the Grantor's Property and the improvements thereon to the substantially the same condition as they existed prior to Grantee's entry onto Grantor's Property.

A party shall be in default under the terms of these easements, covenants, and agreements if the party fails to cure a breach of any term of this agreement within thirty (30) days after written notice (in accordance with the notice provisions below) specifying the default or breach with reasonable particularity. If the breach or default is one which cannot be cured within the specified deadline, the breaching or defaulting party shall not be in default or breach provided he moves with all due diligence and speed to promptly and adequately remedy the breach and default and cures the breach or default within ninety (90) days of written notice.

Upon a default under this agreement, the non-defaulting party shall be entitled to seek any and all remedies available to it under this Agreement and Oregon law and equity. The remedies the parties may seek against each other shall include but not be limited to injunctions to stop breaches or defaults under this instrument, injuries, damages and interferences.

All notices, approvals, consents, requests, or demands required or permitted to be given or served by either party to this Easement will be in writing (unless otherwise expressly required), properly addressed to the addresses set forth below, and will be delivered: (a) by depositing with the United States Postal Service, postage prepaid, by registered or certified mail, return receipt requested, or (b) by a nationally recognized overnight delivery service providing proof of delivery. Notices will be effective (i) in the case of registered or certified mail, on the date that is the earlier of (x) the date receipt is acknowledged on the return receipt for such notice, or (y) the date that is five (5) business days after the date of posting by the United States Post Office, and (ii) if by nationally recognized overnight delivery service providing proof of delivery, one (1) business day after the deposit of the notice with all delivery charges prepaid. Either party may by written notice change its address for all subsequent notices.

GRANTOR:

City of Boardman  
Mailing Address: PO Box 229  
Physical Address: 200 City Center Drive  
Boardman, OR 97818

GRANTEE:

Idaho Power Company  
Mailing Address: PO Box 70  
Physical Address: 1221 West Idaho Street  
Boise, ID 83707

In any litigation arising out of this instrument, or to enforce any term or condition of this instrument, the prevailing party shall recover from the other party, his reasonable attorney's fees, costs and expenses at trial, in arbitration and on appeal, plus arbitration fees.

This writing expresses the full and complete terms and conditions of the easements, covenants and agreements. There are no other agreements or understandings concerning these easements, covenants and agreements of any nature--written, oral or otherwise.

The failure of a party to insist upon strict or timely performance shall not be a waiver or relinquishment of any right, but that right shall remain in full force and effect.

The terms of these easements, covenants and agreements may not be modified except by a written agreement signed by both parties and duly recorded in the official records of the county in which the easement is located.

*[signatures appear on following page]*

Executed and delivered this 6 day of September, 2024.

Grantor: City of Boardman, a Municipal Corporation

Grantor's Representative

Signature: [Signature]

Printed Name: Brandon Hammond

Title: City Manager

**Notary Acknowledgment**

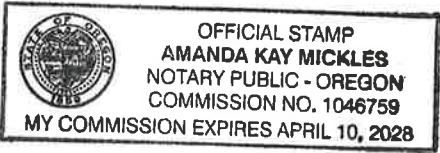
State of: Oregon )

)ss

County of: Morrow )

I, Amanda Kay Mickles, (Notary's Name) a notary public, do hereby certify that on this 6 day of September, 2024, personally appeared before me Brandon Hammond (Individual's Name), who, being by me first duly sworn, declared that he/she is the City Manager (Title) of the City of Boardman, a Municipal Corporation (Grantor), duly authorized to sign this document, and that he/she signed the document, and acknowledged to me that he/she executed the same as the free act and deed on behalf of said Grantor.

(Notarial Seal)



Amanda Kay Mickles  
NOTARY PUBLIC

Residing at: 200 City Center Circle, Boardman, OR 97818

Expires: April 10, 2028

EXHIBIT "D"

METES AND BOUNDS DESCRIPTION  
OF TWO (2) TEMPORARY CONSTRUCTION EASEMENTS

METES AND BOUNDS DESCRIPTION OF TWO (2) TEMPORARY CONSTRUCTION EASEMENTS (T.C.E.) SITUATED IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 25 EAST OF THE WILLAMETTE MERIDIAN MORROW COUNTY, OREGON AND BEING UPON, OVER, THROUGH AND ACROSS A PORTION OF THAT CERTAIN CALLED 147.12 ACRES TRACT OF LAND, AS DESCRIBED IN DOCUMENT NO. 2002-3060 OF THE MORROW COUNTY CLERKS RECORDS OF MORROW COUNTY, OREGON (M.C.C.R.M.C.O.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH ALL BEARINGS HEREIN BEING GRID, BASED UPON THE OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, INTERNATIONAL FOOT, NORTH AMERICAN DATUM OF 1983 (NAD 83), AS DERIVED FROM A GLOBAL POSITIONING SURVEY (GPS) SURVEY, PERFORMED BY hbk ENGINEERING COMPANY IN NOVEMBER OF 2023;

TEMPORARY CONSTRUCTION EASEMENT (T.C.E.) NO. 1

COMMENCING at a 2 ½ inch brass cap marked T4N S1 S12 R25E S6 S7 R26E, found marking the northeast corner of said Section 12;

THENCE South 00° 10' 26" East, across a portion of said Section 12, a distance of 2,601.5 feet to a point on the east line of said parcel and POINT OF BEGINNING of the herein described TCE No.1;

THENCE South 00° 10' 26" East, along said east line of the above referenced tract of land, a distance of 37.7 feet to a point;

THENCE South 00° 57' 56" East, continuing along the said east line, a distance of 21.5 feet to the point of curvature of a curve to the left, said point being the southern most northeast corner of said parcel of the herein described T.C.E. No. 1;

THENCE southwesterly, along the northeasterly line being a curve to the left, said curve having an arc length of 244.7 feet, a delta angle of 15° 54' 09", and a radius of 881.67 feet to the southwest corner of the herein described T.C.E. No. 1;

THENCE North 06° 29' 00" West, along the west line of the said T.C.E. No. 1, a distance of 102.1 feet to the northwest corner of the herein described T.C.E. No. 1;

THENCE North 83° 31' 00" East, along the north line of the said T.C.E. No.1, a distance of 246.3 feet to the POINT OF BEGINNING of the said T.C.E. No. 1 and containing 0.4 acre of land, more or less.

REGISTERED  
SURVEYOR'S CERTIFICATION  
I, ROBERT E. HOOD, PROFESSIONAL LAND SURVEYOR NO. 83356, STATE OF OREGON,  
DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT WAS PREPARED FROM  
AN ACTUAL ON THE GROUND SURVEY UNDER MY DIRECT SUPERVISION.

*Robert E. Hood*

4/23/24  
DATE

ROBERT E. HOOD, OREGON P.L.S. NO. 83356  
hbk ENGINEERING, LLC 2011  
214 EXPO CIRCLE SUITE 100 WEST MONROE, LA. 71292  
PHONE NO. 318-690-6400

LEGAL DESCRIPTION



An IDACORP Company

UTILITY  
INFRASTRUCTURE  
SOLUTIONS

hbk  
ENGINEERING

A QUANTA SERVICES COMPANY

214 EXPO CIRCLE  
SUITE 1  
WEST MONROE, LA  
71292  
318.600.6400

|                |              |                  |          |
|----------------|--------------|------------------|----------|
| DRAWN:         | JAD          | DATE:            | 01/30/24 |
| CHECKED:       | CEH          | DATE:            | 02/02/24 |
| APP'D:         | REH          | DATE:            | 02/02/24 |
| SCALE:         | AS SHOWN     | SHEET            | 1 OF 4   |
| REV.           | DATE         | DESC.            |          |
| 1              | 02/17/24     | REVISED DOCUMENT |          |
| JOB NO.        | A23-0900.000 |                  |          |
| CLIENT JOB NO. |              |                  |          |

EASEMENT PLAT

TWO (2) TEMPORARY CONSTRUCTION EASEMENTS

LINE LIST 41.01

DRAWING NO.

OR-MO-CO-LL-41.01-TCE

REV.

EXHIBIT "D" cont'd

TEMPORARY CONSTRUCTION EASEMENT (T.C.E.) NO. 2

COMMENCING at a 2 ½ inch brass cap marked T4N S1 S12 R25E S6 S7 R26E, found marking the northeast corner of said Section 12;

THENCE South 04° 09' 47" West, across a portion of said Section 12, a distance of 2,880.5 feet to a point in the northeasterly line of the above referenced tract of land, said point being the **POINT OF BEGINNING** of the herein described T.C.E. No. 2;

THENCE South 27° 17' 01" East, along the said northeasterly line, a distance of 359.1 feet to a point in the west line of a one hundred sixty (160) feet wide power line easement;

THENCE South 11° 20' 51" West, along the said west line, a distance of 269.5 feet to a point;

THENCE South 06° 24' 50" East, continuing along the said west line, a distance of 306.8 feet to a point in a southeasterly line of the above referenced tract of land;

THENCE South 41° 14' 34" West, along the said southwesterly line, a distance of 188.3 feet to a point;

THENCE North 11° 22' 54" East, across a portion of the above referenced tract of land, a distance of 442.2 feet to a point;

THENCE South 83° 31' 00" West, continuing across a portion of the above referenced tract of land, a distance of 40.9 feet to a point;

THENCE North 06° 29' 00" West, continuing across a portion of the above referenced tract of land, a distance of 604.8 feet to the **POINT OF BEGINNING** of the said T.C.E. No. 2 and containing 1.5 acres of land, more or less.

Temporary Construction Easements Nos. 1-2 containing a total of 1.9 acres of land, more or less.

SURVEYOR'S CERTIFICATION

I, ROBERT E. HOOD, PROFESSIONAL LAND SURVEYOR NO. 83356, STATE OF OREGON, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY UNDER MY DIRECT SUPERVISION.

*Robert E. Hood*

2/23/24  
DATE

ROBERT E. HOOD, OREGON P.L.S. NO. 83356  
hbk ENGINEERING, LLC  
214 EXPO CIRCLE, SUITE 100  
PHONE NO. 318-600-6400  
83356  
WEST MONROE, LA. 71292

LEGAL DESCRIPTION



An IDACORP Company

UTILITY  
INFRASTRUCTURE  
SOLUTIONS

hbk  
ENGINEERING

A QUANTA SERVICES COMPANY

214 EXPO CIRCLE  
SUITE 1  
WEST MONROE, LA  
71292  
318.600.6400

|                      |          |                  |  |
|----------------------|----------|------------------|--|
| DRAWN: JAD           |          | DATE: 01/30/24   |  |
| CHECKED: CEH         |          | DATE: 02/02/24   |  |
| APP'D: REH           |          | DATE: 02/02/24   |  |
| SCALE: AS SHOWN      |          | SHEET 2 OF 4     |  |
| REV.                 | DATE     | DESC.            |  |
| 1                    | 02/17/24 | REVISED DOCUMENT |  |
|                      |          |                  |  |
| JOB NO. A23-0900.000 |          |                  |  |
| CLIENT JOB NO.       |          |                  |  |

EASEMENT PLAT

TWO (2) TEMPORARY CONSTRUCTION EASEMENTS

LINE LIST 41.01

DRAWING NO.

OR-MO-CO-LL-41.01-TCE

REV.

0' 30' 60'  
SCALE: 1" = 60'

| EASEMENT TABLE |          |
|----------------|----------|
| T.C.E. NO. 1   | 0.4 ACRE |

**EXHIBIT "D"** cont'd  
**MORROW COUNTY, OREGON**  
**SECTION 12, T4N, R25E**



**POINT OF COMMENCING**  
T.C.E. NO. 1

FND. 2-1/2" BRASS CAP MK'D.  
T4N S1 S12 R25E S6 S7 R26E

LINE LIST NO 41.01  
CALLED 147.12 ACRES  
DOC. NO. 2002-3060  
MC.C.R.M.C.O.

N83°31'00"E  
246.3'  
T.C.E. NO. 1  
0.4 ACRE

**POINT OF BEGINNING**  
T.C.E. NO. 1

S00°10'26"E  
37.7'  
S00°57'56"E  
21.5'

N06°29'00"W  
102.1'

DELTA=15°54'09"  
R=881.67'  
L=244.7'

**SURVEYOR'S CERTIFICATION**

I, ROBERT E. HOOD, PROFESSIONAL LAND SURVEYOR NO. 83356, STATE OF OREGON,  
DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT WAS PREPARED FROM  
AN ACTUAL LAND SURVEY UNDER MY DIRECT SUPERVISION.

*Robert E. Hood*

2/23/24  
DATE

ROBERT E. HOOD, OREGON P.L.S. NO. 83356  
hbk ENGINEERING, LLC  
214 EXPO CIRCLE SUITE 11 WEST MONROE, LA. 71292  
PHONE NO. 318-600-6400  
83356

**TEMPORARY  
CONSTRUCTION EASEMENT**



An IDACORP Company

|          |          |       |          |
|----------|----------|-------|----------|
| DRAWN:   | JAD      | DATE: | 01/30/24 |
| CHECKED: | CEH      | DATE: | 02/02/24 |
| APP'D:   | REH      | DATE: | 02/02/24 |
| SCALE:   | AS SHOWN | SHEET | 3 OF 4   |

**EASEMENT PLAT**

TWO (2) TEMPORARY CONSTRUCTION EASEMENTS

LINE LIST 41.01

UTILITY  
INFRASTRUCTURE  
SOLUTIONS  
**hbk**  
ENGINEERING  
A QUANTA SERVICES COMPANY  
214 EXPO CIRCLE  
SUITE 11  
WEST MONROE, LA  
71292  
318.600.6400

| REV.                 | DATE     | DESC.            |
|----------------------|----------|------------------|
| 1                    | 02/17/24 | REVISED DOCUMENT |
| JOB NO. A23-0900.000 |          |                  |
| CLIENT JOB NO.       |          |                  |

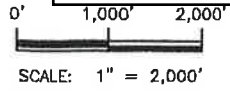
DRAWING NO.

OR-MO-CO-LL-41.01-TCE

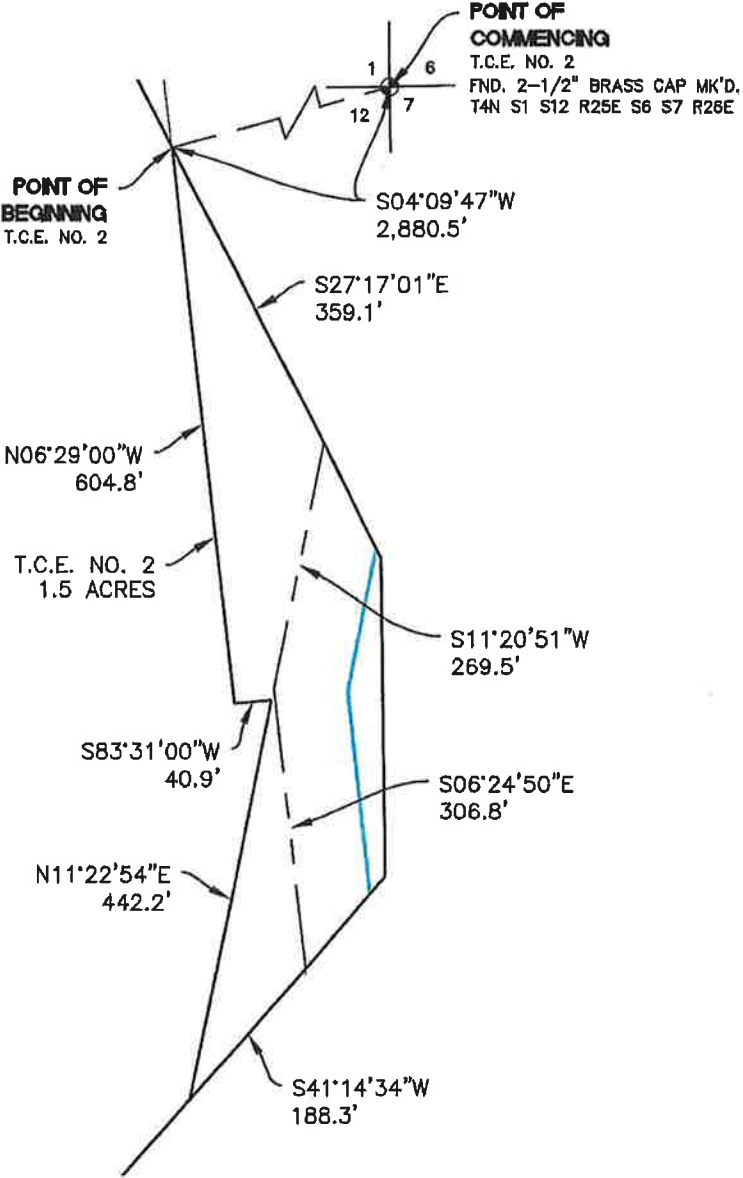
REV.

| EASEMENT TABLE |           |
|----------------|-----------|
| T.C.E. NO. 2   | 1.5 ACRES |

EXHIBIT "D" cont'd  
MORROW COUNTY, OREGON  
SECTION 12, T4N, R25E



LINE LIST NO 41.01  
CALLED 147.12 ACRES  
DOC. NO. 2002-3060  
M.C.C.R.M.C.O.



**SURVEYOR'S CERTIFICATION**  
I, ROBERT E. HOOD, PROFESSIONAL LAND SURVEYOR NO. 83356, STATE OF OREGON,  
DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT WAS PREPARED FROM  
AN ACTUAL ON THE GROUND SURVEY UNDER MY DIRECT SUPERVISION.

*Robert E. Hood*  
ROBERT E. HOOD, OREGON P.L.S. NO. 83356  
hbk ENGINEERING, LLC  
214 EXPO CIRCLE SUITE 201 WEST MONROE, LA. 71292  
PHONE NO. 318-600-6400  
83356

2/23/24  
DATE

**TEMPORARY  
CONSTRUCTION EASEMENT**



|                |              |                  |          |
|----------------|--------------|------------------|----------|
| DRAWN:         | JAD          | DATE:            | 01/30/24 |
| CHECKED:       | CEH          | DATE:            | 02/02/24 |
| APP'D:         | REH          | DATE:            | 02/02/24 |
| SCALE:         | AS SHOWN     | SHEET            | 4 OF 4   |
| REV.           | DATE         | DESC.            |          |
| 1              | 02/17/24     | REVISED DOCUMENT |          |
| JOB NO.        | A23-0900.000 |                  |          |
| CLIENT JOB NO. |              |                  |          |

UTILITY  
INFRASTRUCTURE  
SOLUTIONS  
**hbk**  
ENGINEERING  
A QUANTA SERVICES COMPANY  
214 EXPO CIRCLE  
SUITE 1  
WEST MONROE, LA  
71292  
318.600.6400

| EASEMENT PLAT                            |      |
|------------------------------------------|------|
| TWO (2) TEMPORARY CONSTRUCTION EASEMENTS |      |
| LINE LIST 41.01                          |      |
| DRAWING NO.                              | REV. |
| OR-MO-CO-LL-41.01-TCE                    |      |

U:\000-224\APPING\PRELIMINARY PLATS\DWG\OR-MO-CO-LL-41.01-TCE.DWG 2/23/2024 3:16 PM

**Tract 41.01****Township 4 North, Range 25 E.W.M****Section 12:**

COMMENCING at the Southeast corner of Section 12, of Township 4 North, Range 25 East of the Willamette Meridian in Morrow County;

Thence North  $1^{\circ} 36' 46''$  West along the East line of said Section 12, a distance of 756.32 feet to the North right of way line of the West Extension Irrigation District Canal and True Point of **Beginning** of this description;

Thence continuing North  $01^{\circ} 36' 46''$  West along the East line of said Section 12, a distance of 52.05 feet the outer edge of an irrigation circle with a radius of 881.67 feet;

Thence Northwesterly along the perimeter of said 881.67 foot circle a distance of 595.32 feet through an arc of  $38^{\circ} 41' 13''$  of which the cord of said arc bears North  $67^{\circ} 49' 18''$  West a distance of 583.07 feet;

Thence North  $41^{\circ} 14' 20''$  East, a distance of 787.52 feet to the intersection of the East Section line of said Section 12;

Thence North  $1^{\circ} 36' 46''$  West along said East line of Section 12 a distance of 202.22 feet; thence North  $27^{\circ} 17' 15''$  West a distance of 733.88 feet to the perimeter of a 881.67 foot circle;

Thence Northeasterly along the arc of said 881.67-foot circle a distance of 331.00 feet through an arc of  $21^{\circ} 30' 36''$  whose chord bears North  $72^{\circ} 46' 11''$  East and a distance of 328.32 feet to the intersection of the East line of said Section 12;

Thence along the East line of said Section 12 North  $1^{\circ} 36' 46''$  West a distance of 132.88 feet to the South right of way line of the Union Pacific Railroad mainline;

Thence North  $72^{\circ} 08' 58''$  West along said South right of way line of the Union Pacific Railroad a distance of 2790.73 feet to North-South center line of said Section 12;

Thence South  $1^{\circ} 38' 29''$  East along the said North-South centerline of Section 12, a distance of 3454.68 feet to the North Right of way of Interstate Highway No 84;

Thence South  $77^{\circ} 06' 26''$  East along the North right of way of Interstate No. 84 a distance of 290.98 feet to the intersection with the North-right of way of the West Extension Irrigation District Canal; thence Northeasterly along the North right of way of the West Extension Irrigation District Canal to the Point of Beginning of this description. Said parcel containing 147.12 Acres.

**City of Boardman**  
**Notes to the Finance Report**  
 As of August 31, 2026

**General Fund:** Below is a breakout of most of the revenues collected this month.

- Transient Room Tax: \$39,585 (received quarterly, amount varies)
- State Revenue Sharing (inc. cigarette and liquor tax appropriations): \$25,920 (received quarterly or monthly, amount varies)
- Site and Planning Fees: \$1,150 (amount varies)
- Franchise Fees: \$384,365 (received quarterly, amount varies)
- Grants: Police Department received a Public Safety Impact Fee Award from CREZ II: \$13,659
- Interest Income: \$17,123 (received monthly, amount varies)

**Building Fund:** Collected payments of approximately \$756,792 from several permits, fire safety reviews, and building review fees and \$67,284 in interest income. Most of these are in the Morrow County jurisdiction. The drone for inspections was purchased for approximately \$55,000 and two other staff, a Building Inspector and the Plumbing Inspector completed the “drone school” and have been certified.

**General Reserve Fund:** Collected \$22,939 in interest income.

**Water Reserve Fund:** Collected \$4,744 in interest income and \$368 in rental income. This fund issued payments to Premier Excavation for N.E. Front Street Improvement project for \$151,313. Payments to Anderson Perry for \$956 for Source Water Protection Plan and \$9,110 for Kunze Well project.

**Sewer Reserve Fund:** Collected \$12,362 in interest income. This fund paid for a Utility Tractor (for Lagoon 1 sludge removal) in the amount of \$95,381 and issued payment to Premier Excavation for the N.E. Front Street Improvement project for \$131,767. Payments were issued to Anderson Perry for \$23,140 for the Wastewater Facilities Plan Updates, \$20,000 for Lift Stations No. 4 and No. 6 Improvements, \$15,049 for Stormwater Improvements 2026, and \$11,738 for the Septage Receiving Station.

**Street Reserve Fund:** Collected \$34,576 in interest income. This fund issued payments to Premier Excavation for N.E. Front Street Improvement project for \$797,196. Payments were issued to Anderson Perry for \$16,868 for the Mt. Hood Ave Sidewalk Improvements project, \$32,000 for Kinkade Road Improvements, \$76,698 for West Oregon Trail Blvd Improvements, \$2,922 for SW First St. (Loop Road) Improvements, \$88,833 for NE Front Street Improvements, and \$1,295 for Street Maintenance.

**Coming soon**...we are adding additional features now available through Caselle, our ERP (Enterprise Resource Planning and financial software). It will allow for automated entry of invoices, digital department head approvals for accounts payable, on demand actual to budget year-to-date figures for department heads, plus real-time payment posting for utilities, online dog licensing, additional online payment options, newsletter and notification portal, and more! This will require a different merchant (card processor), so customers will have to create a new account and set-up their auto-pays via the new portal. This change is anticipated for Nov 1, 2026. Work is underway for software preparation, merchant set up, and customer notifications and publications.

**CITY OF BOARDMAN**  
**Monthly Council Financial Statement**  
**Period Ending August 31, 2026**  
**Fiscal Year Elapsed 16.67%**

Section 10, Item A.

FISCAL YEAR 2026-2027

REVENUE

EXPENDITURES

|                               |                              | A          | B           | C          | D            | E          | F            |         |              | G            | H             | I        | J            |      |
|-------------------------------|------------------------------|------------|-------------|------------|--------------|------------|--------------|---------|--------------|--------------|---------------|----------|--------------|------|
|                               |                              |            | Revenue     |            |              | (B+C)      | (A-D)        | (D/A)   |              |              | (G/A)         |          |              |      |
| FUND                          | CITY                         | 2026-2027  | Beginning   | Received   | Year to Date | Total      | Remaining    | % of    | Expenditures | Year to Date | Unexpended    | Expended | Fund         | Fund |
| #                             | Fund Description             | BUDGET     | Cash C/Over | This Month | Revenue      | Revenue    | Expectations | Budget  | This Month   | Expenditures | Budget        | Budget   | Balance      | #    |
| 100                           | General Government           | 1,144,185  |             |            |              |            |              |         | 100,575      | 163,847      | 980,338       | 14.32%   |              | 100  |
| 110                           | Public Safety - Police       | 3,826,120  |             |            |              |            |              |         | 283,729      | 534,606      | 3,291,514     | 13.97%   |              | 110  |
| 125                           | Code Compliance              | 219,150    |             |            |              |            |              |         | 14,206       | 21,730       | 197,420       | 9.92%    |              | 125  |
| 130                           | Planning                     | 395,155    |             |            |              |            |              |         | 18,641       | 31,408       | 363,747       | 7.95%    |              | 130  |
| 180                           | Facilities                   | 261,450    |             |            |              |            |              |         | 4,782        | 9,711        | 251,739       | 3.71%    |              | 180  |
| 195                           | Non-Departmental             | 8,556,390  |             |            |              |            |              |         | 0            | 160,881      | 8,395,509     | 1.88%    |              | 195  |
| 100                           | GENERAL FUND                 | 14,402,450 | 5,652,682   | 487,056    | 621,185      | 6,273,867  | 8,128,583    | 43.56%  | 421,933      | 922,183      | 13,480,267    | 6.40%    | 5,351,684    | 100  |
| 220                           | WATER FUND                   | 1,793,700  | 354,183     | 84,140     | 184,107      | 538,290    | 1,255,410    | 30.01%  | 129,869      | 215,256      | 1,578,444     | 12.00%   | 323,035      | 220  |
| 230                           | SEWER FUND                   | 1,646,350  | 1,330,635   | 67,899     | 146,732      | 1,477,368  | 168,982      | 89.74%  | 75,219       | 148,621      | 1,497,729     | 9.03%    | 1,328,747    | 230  |
| 240                           | GARBAGE FUND                 | 1,867,000  | 557,846     | 115,386    | 234,803      | 792,649    | 1,074,351    | 42.46%  | 115,106      | 218,884      | 1,648,116     | 11.72%   | 573,765      | 240  |
| 250                           | STREET FUND                  | 904,500    | 459,083     | 28,271     | 67,219       | 526,302    | 378,198      | 58.19%  | 62,273       | 97,879       | 806,621       | 10.82%   | 428,423      | 250  |
| 260                           | BUILDING FUND                | 27,838,000 | 20,424,163  | 824,077    | 2,616,272    | 23,040,435 | 4,797,565    | 82.77%  | 208,650      | 1,329,589    | 26,508,411    | 4.78%    | 21,710,846   | 260  |
| 300                           | GENERAL RESERVE FUND         | 14,728,000 | 7,404,429   | 22,939     | 46,316       | 7,450,745  | 7,277,255    | 50.59%  | 22,342       | 30,745       | 14,697,255    | 0.21%    | 7,420,000    | 300  |
| 320                           | WATER RESERVE FUND           | 3,318,400  | 1,333,610   | 5,112      | 16,958       | 1,350,567  | 1,967,833    | 40.70%  | 161,378      | 375,350      | 2,943,050     | 11.31%   | 975,217      | 320  |
| 330                           | SEWER RESERVE FUND           | 3,447,490  | 2,714,324   | 12,362     | 30,482       | 2,744,806  | 702,684      | 79.62%  | 297,074      | 386,405      | 3,061,085     | 11.21%   | 2,358,401    | 330  |
| 350                           | STREET RESERVE FUND          | 10,809,000 | 10,831,565  | 34,576     | 70,222       | 10,901,788 | (92,788)     | 100.86% | 1,015,808    | 1,139,125    | 9,669,875     | 10.54%   | 9,762,663    | 350  |
| 415                           | CONGRESSIONAL CMTY PJCT FUND | 1,610,000  | 1,608,679   | 4,989      | 10,068       | 1,618,747  | (8,747)      | 100.54% | 0            | 0            | 1,610,000     | 0.00%    | 1,618,747.23 | 415  |
| 418                           | HOUSING INICIATIVE FUND      | 1,065,400  | 947,959     | 2,925      | 5,918        | 953,876    | 111,524      | 89.53%  | 5,000        | 10,000       | 1,055,400     | 0.94%    | 943,876      | 418  |
| 510                           | GO BOND FUND                 | 1,669,400  | 443,807     | 2,484      | 6,020        | 449,828    | 1,219,572    | 26.95%  | 0            | 0            | 1,669,400     | 0.00%    | 449,828      | 510  |
| CITY TOTAL                    |                              | 85,099,690 | 54,062,967  | 1,692,216  | 4,056,301    | 58,119,268 | 26,980,422   | 68.30%  | 2,514,653    | 4,874,036    | 80,225,654    | 5.73%    | 53,245,232   |      |
| 815                           | CENTRAL UR DISTRICT          | 910,900    | 321,626     | 1,401      | 2,892        | 324,518    | 586,382      | 35.63%  | 0            | 0            | 910,900       | 0.00%    | 324,518      | 815  |
| 816                           | NORTH UR DISTRICT            | 4,930,800  | 246,945     | 953        | 1,999        | 248,944    | 4,681,856    | 5.05%   | 0            | 0            | 4,930,800     | 0.00%    | 248,944      | 816  |
| 819                           | WEST UR DISTRICT             | 0          | 0           | 0          | 111          | 111        | (111)        | 0.00%   | 111          | 111          | (111)         | 0.00%    | 0            | 819  |
| URA TOTAL                     |                              | 5,841,700  | 568,572     | 2,355      | 5,002        | 573,573    | 5,268,127    | 9.82%   | 111          | 111          | 5,841,589     | 0.00%    | 573,462      |      |
| CITY OF BOARDMAN GRAND TOTALS |                              | 90,941,390 | 54,631,539  | 1,694,571  | 4,061,303    | 58,692,841 | 32,248,549   |         | 2,514,764.08 | 4,874,147.11 | 86,067,242.89 | 5.73%    | 53,818,694   |      |

Current Month Net Cash Change (No URA) (822,437)

Year to Date Net Cash Change (812,845)

CASH REPORT:

|                               | Amount              | as of 8/31/26 Interest Rate |
|-------------------------------|---------------------|-----------------------------|
| Bank of Eastern Oregon Police | \$7,640             | 4.00%                       |
| Banner Bank Checking          | \$461,765           | -                           |
| Banner Bank Savings           | \$252,610           | 4.24%                       |
| Bank of Eastern Oregon        | \$255,070           | 5.00%                       |
| OR Government Pool            | \$49,885,627        | 4.00%                       |
| Bank of Eastern Oregon SBA    | \$1,603,710         | -                           |
| CURD Government Pool          | \$324,296           | 4.00%                       |
| NURD Government Pool          | \$246,564           | 4.00%                       |
| WURD Government Pool          | \$0                 | 4.00%                       |
| Xpress Online Clearing        | \$781,410           | -                           |
| <b>TOTAL CASH</b>             | <b>\$53,818,694</b> |                             |
| Cash Clearing - Utilities     | \$0.00              |                             |
| <b>Total</b>                  | <b>\$53,818,694</b> |                             |

### **Keep Boardman Clean**

The City of Boardman will once again offer its bi-annual Garbage Voucher Program in October, providing residents with an opportunity to dispose of unwanted household items and help keep properties clean. The program continues to be a valuable resource for residents and supports the City's overall efforts to maintain clean and attractive neighborhoods.

In addition, the week of October 5th will be recognized as Keep Boardman Clean – Business Cleanup Week. Local businesses are being encouraged to take some extra time during the week to clean up around their businesses and surrounding areas. The City will provide garbage bags and will pick up filled bags from participating businesses that contact City Hall.

Together, these efforts give both residents and businesses an opportunity to take an active role in keeping Boardman looking its best. The Garbage Voucher Program provides residents with additional disposal options, while Business Cleanup Week encourages our local businesses to help improve the appearance of commercial areas throughout the city.

The City appreciates the continued participation of residents and businesses and looks forward to another successful cleanup effort this October.

### **Building Future Community Leaders**

The City is continuing to move forward with the development of our Youth Advisory Committee, which will provide local high school students with an opportunity to learn more about city government and become involved in their community.

I will be working directly with our local high school to encourage students to participate and help identify young people who are interested in leadership, civic involvement, and making a positive difference in Boardman.

The goals of the Youth Advisory Committee are simple: Educate, Involve, and Empower. We want to educate students about how local government works, involve them in discussions and projects that affect our community, and empower them to share their ideas and perspectives.

This committee will also give the City an opportunity to hear directly from our younger generation while helping students build leadership skills and a better understanding of public service. We look forward to creating a program that gives Boardman's youth a meaningful voice in the future of our community.

### **Community Engagement**

The City of Boardman is sharing information with residents, businesses, and commercial drivers about recent updates to our vehicle and traffic code regarding motor truck routes.

The main purpose of these routes is to protect our roads. Heavy trucks can cause more wear and damage to streets, especially roads that were not designed for frequent truck traffic. By keeping motor trucks on designated routes whenever possible, we can help extend the life of our streets and reduce the need for costly repairs.

There are exceptions for government and utility vehicles, construction or repair work, and trucks making pickups or deliveries. Our goal is to educate drivers and businesses about the updated rules and work together to protect Boardman's streets for the entire community. For additional questions about truck routes or the updated code, please contact the City of Boardman.

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## **BUILDING DEPARTMENT**

In September 2026, the City of Boardman issued 6 building permits, compared with 8 permits in September 2025, a decrease of 25.0%. Manufactured home placements decreased from 6 permits in September 2025 to none in September 2026, while single-family permits increased from none to 2. No multi-family permits were issued during either period. Year to date, Boardman has issued 157 permits in 2026, compared with 112 during the same period in 2025, an increase of 40.2%. Across the Building Department's full service area, the 2026 year-to-date summary shows 2,137 inspections, 401 plan reviews, 650 application intakes, and 591 permits issued. It is important to note that the September 2026 figures only include activity from September 1 through September 16, so the September comparison is not yet a complete month-to-month comparison and will be updated for the next City Council meeting.

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## **PLANNING DEPARTMENT**

Planning staff attended the Oregon American Planning Association (OAPA) conference in Seaside, Oregon, themed "Anchored in Place, Navigating Change." The conference provided valuable opportunities to learn new tools, strategies, and approaches that can be applied to the City's planning efforts. Staff also benefited from networking with planning professionals from across Oregon and gaining insight into current planning practices and challenges.

The Planning Department continues to support ongoing development and community growth in Boardman. Staff coordinated pre-application meetings for proposed renovations at Riverside Jr./Sr. High School and rebuilding of the food pantry following the fire. Several other new commercial developments are also currently in process, with staff working with applicants to navigate the City's planning and development requirements.

**Strategic Planning Program:** You can follow these projects at [here](#) on the City's website.

**Completed Projects:**

- **Parks Master Plan (PMP):** The Land Use Board of Appeals (LUBA) has **AFFIRMED** your decision! You can find the Parks Page on the City of Boardman website [here](#).

**Projects Underway:**

- **Boardman Development Code (BDC) and Comprehensive Plan (CP):** Carla is deep in review mode of both the Comprehensive Plan and the Development Code. The Comprehensive Plan will soon be submitted to the Department of Land Conservation and Development initiating the adoption process. The Development Code is following about six weeks behind that. You can follow the CP/BDC PAC [here](#).
- **Housing Capacity Analysis (HCA):** By the time you read this the HCA PAC and the Planning Commission will both have met to discuss the Housing Capacity Analysis and the Measures to Accommodate Needed Housing documents. You can follow the HCA [here](#).
- **Main Street Interchange Area Management Plan Refinement (MS IAMP):** By the time you read this the TAC and PAC will have held their third meetings which focused on preferred alternatives. You can follow the MS IAMP project [here](#).

**Other Programmatic work:**

- **System Development Charge (SDC) Update:** Changes to the Boardman Municipal Code provisions that govern SDCs are before you in October. The 90-day comment period to consider the methodology and future fee structure is coming soon.

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**POLICE DEPARTMENT****Department Activity**

During the September reporting period, the Boardman Police Department handled **405 total incidents**, consisting of **165 calls for service** and **240 officer-initiated incidents**.

Officer-initiated activity included **175 traffic stops**, **7 business/building checks**, and **38 vehicle/pedestrian checks**.

Officers completed **34 cases**, made **9 arrests**, and issued **28 citations** during the reporting period.

The 34 cases included **1 crash case**, **1 felony case**, **13 information cases**, **11 misdemeanor cases**, **3 voided cases**, and **4 unclassified cases**. All 9 arrests during the reporting period were misdemeanor arrests.

**Reporting Period**

This month's statistics reflect a **shorter reporting period than normal**. The department was asked to submit its month-end report approximately **five days earlier than our normal reporting schedule**. As a result, the September statistics do not represent the same number of reporting days as previous months.

Because of the shortened reporting period, the September totals should not be directly compared with previous full reporting periods without taking the difference in reporting days into consideration. The lower totals do not necessarily represent a decrease in calls for service, enforcement activity, or overall workload.

### **Personnel and Staffing**

Staffing continues to be one of the department's primary challenges. The department is currently **down three officers**. Two of those positions have been filled with newly hired recruits who will be attending the police academy.

Although those positions are technically filled, the recruits must complete academy and field training before they can function independently. Until that occurs, our available staffing remains below normal operational levels.

Existing personnel continue to manage calls for service, investigations, proactive enforcement, training, and minimum staffing requirements while the new officers progress through the training process.

### **Traffic Safety**

**Impaired driving and hit-and-run crashes continue to be concerns within the community.**

Officers continue to remain vigilant for impaired and unsafe drivers through both proactive traffic enforcement and calls for service. We will continue emphasizing traffic safety and encouraging drivers to make responsible decisions before getting behind the wheel.

Hit-and-run crashes also remain an issue. Officers continue investigating these incidents and reminding motorists that leaving the scene of a crash generally makes an already difficult situation significantly worse.

### **E-Bikes, Scooters, and Helmet Safety**

The department continues to address concerns involving **e-bikes, motor-assisted scooters, and similar devices**, particularly involving younger riders.

We continue to see issues involving unsafe operation, helmet use, failure to follow traffic rules, and riders operating in areas where their actions can create a hazard for pedestrians or motorists.

Our officers continue to emphasize education, particularly when dealing with juveniles, while taking enforcement action when appropriate. We also encourage parents to become familiar with the rules that apply to the devices their children are operating.

As e-bikes and scooters become increasingly common in our community, rider education and compliance will remain an area of focus for the department.

### **Noise and Quality-of-Life Complaints**

#### **Noise complaints and loud music continue to be an ongoing concern.**

These complaints are particularly disruptive during evening and nighttime hours and can significantly affect the quality of life within residential neighborhoods.

Officers continue responding to these complaints and seeking voluntary compliance when appropriate. When voluntary compliance is unsuccessful or circumstances warrant, officers will take appropriate enforcement action.

### **Looking Ahead**

The department's priorities moving forward include maintaining adequate staffing while our newly hired officers complete academy and field training, maintaining proactive police services, addressing impaired driving and hit-and-run crashes, responding to recurring noise complaints, and continuing education and enforcement efforts involving e-bikes, scooters, and helmet use.

Although this month's statistical totals are lower due in part to the **five-day-shorter reporting period**, our officers continue to balance calls for service with proactive enforcement, investigations, traffic safety, community concerns, and the other responsibilities necessary to provide effective law enforcement services.

The Boardman Police Department remains committed to providing **professional, responsive, and community-focused law enforcement services** to the citizens of Boardman.

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## **PUBLIC WORKS DEPARTMENT**

### **General Operations**

Public Works completed daily tasks including locates, utility checks, work orders, rounds and regular system monitoring to keep city operations running smoothly. Working with contractors on NE Front Street, Columbia View, and N Main St. lighting. New integrator of record G6 has been working hard to get our SCADA system more user friendly and able to track trends better. Completed sidewalk project on Mt. Hood, Mt. Everest, and Mt. Adams.

**Water/Wastewater**

Staff continues to replace old and non-working water meters throughout the system. Crews are also locating and sizing the high school meters and hydrants for GO Construction. Proofing of the City's water rights has been completed. G6 is assisting with improvements to the SCADA system to improve communication with all three collectors, while Boardman Fire District continues hydrant inspections. New meters are also being installed at the Unity and River Ridge developments. Staff continues regular lift station washdowns and construction of the new headworks at the lagoon. Lift Stations 4 and 6 are also being cleaned in preparation for AP's survey work related to their future replacement.

**Streets, Parks, Facilities & Equipment**

Staff completed wiring for the streetlight luminaires and bases along North Main Street and NE Front Street. Crews continue irrigation and weekly mowing of more than 20 acres of City park property, along with brush hogging City-owned properties when Red Flag warnings are not in effect. The new Dog Park has been completed, and asphalt work on NE Front Street now connects to 1st, 2nd, 3rd, and 4th Streets. Silver Creek completed sidewalk improvements on Mt. Hood, Mt. Everest, and at the corner of Faler and Mt. Hood. Staff also installed two new cluster box units (CBUs) for mail and is relocating two additional CBUs on Faler near Mt. Hood. Equipment maintenance and servicing continued, and new crosswalk signs were installed near Sam Boardman and Windy River schools. Chip seal work was also completed on NE Boardman Avenue, Anderson Road, Willowfork Drive, Cottonwood Loop, and Wilson Road.

**Training & Certifications**

Staff continues CIS training for 2026, along with training on the new iPERL meters, automatic meter reading system, and implementation of the iamGIS asset management program. In addition, one employee successfully earned a water distribution certification.

**Animal Control**

Staff responded to multiple dog-related calls and transports and continues working with local vendors to ensure compliance with permitting requirements.

## Betterment of our Community – City Manager Outreach

This is a way for myself and the Council to keep in mind the importance of ongoing outreach to our community and highlight what has been done and will be upcoming for the future.

- |                                        |                                             |
|----------------------------------------|---------------------------------------------|
| A. Community Developers                | K. Boardman Senior Center Board             |
| B. NEACT Advisory Board                | L. Irrigon City Manager                     |
| C. Morrow Clean Water Consortium       | M. MIRL Program Rules Advisory              |
| D. Boardman Chamber                    | N. Chamber 3 <sup>rd</sup> Quarter Luncheon |
| E. MPMG Range Groundbreaking           | O. Housing Capacity Analysis PAC            |
| F. Port of Morrow Commission           | P. Morrow County Commissioner               |
| G. Regional Partnerships               | Q. Health District Board                    |
| H. BCDA Economic Development           | R. BCDA Workshop                            |
| I. Community Counseling Solutions      | S. Public Risk Management Conference        |
| J. Stepping Stones Alliance Open House |                                             |

## CAPITAL IMPROVEMENT PROJECTS 2026-27

| General                            | Status         | Timeline      | Cost Estimate |
|------------------------------------|----------------|---------------|---------------|
| Police Department Expansion Design | In Design      | Current       | \$900,000     |
| Splash Pad                         | In Progress    | Current       | \$700,000     |
| BPA Rock                           | In Progress    | Current       | \$100,000     |
| <b>Building/Planning</b>           |                |               |               |
| Housing Capacity Analysis          | In Progress    | Current       | \$100,000     |
| Development Code/Comp Plan         | In Progress    | December 2026 | \$120,000     |
| <b>North URA</b>                   |                |               |               |
| NE Front                           | In Progress    | Current       | \$4,515,000   |
| <b>Parks</b>                       |                |               |               |
| Master Parks Design                | In Bid Process | Current       | \$150,000     |
| Pickleball                         | In Design      | Current       | \$100,000     |
| Dog Park Bathroom                  | In Design      | Current       | \$25,000      |
| Park Improvements                  | In Design      | Current       | \$50,000      |
| <b>Sewer Reserve</b>               |                |               |               |
| Headworks Station                  | In Progress    | Current       | \$900,000     |
| Wastewater Facility Plan           | In Progress    | Current       | \$50,000      |
| Stormwater Flow                    | In Progress    | Current       | \$300,000     |
| Lift Station 4 & 6                 | In Design      | Current       | \$1,000,000   |
| <b>Streets Reserve</b>             |                |               |               |
| Oregon Trail                       | In Design      | Current       | \$4,300,000   |
| Annual Street Improvements         | In Progress    | Current       | \$660,000     |
| Annual Sidewalk Improvements       | In Progress    | Current       | \$300,000     |
| Main Street IAMP                   | In Progress    | Current       | \$120,000     |
| Main Street Off Ramp Improvements  | In Design      | Current       | \$200,000     |
| Kinkade                            | In Design      | Current       | \$200,000     |
| <b>Water Reserve</b>               |                |               |               |
| Water Management Plan              | In Progress    | Current       | \$50,000      |
| Reservoir Recoating                | In Progress    | Current       | \$450,000     |
| Kunze Well                         | In Design      | Current       | \$1,000,000   |
| Collector 2 Generator              | In Progress    | Current       | \$650,000     |

# CITY OF BOARDMAN — BUILDING DEPARTMENT

Section 11, Item A.

## Building Activity Statistics — 2026

| Activity                    | Jan  |      | Feb  |      | Mar  |      | Apr  |      | May  |      | Jun  |      | Jul  |      | Aug  |      | Sep  |      | Oct  |      | Nov  |      | Dec  |      | YTD Total |       |
|-----------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----------|-------|
|                             | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025 | 2026 | 2025      | 2026  |
| <b>Inspections</b>          | 207  | 146  | 140  | 213  | 130  | 276  | 218  | 293  | 270  | 244  | 233  | 270  | 168  | 289  | 161  | 259  | 182  | 147  |      |      |      |      |      |      | 1,709     | 2,137 |
| <b>Plan Reviews</b>         | 21   | 32   | 26   | 91   | 62   | 50   | 61   | 29   | 15   | 45   | 14   | 28   | 43   | 75   | 22   | 30   | 15   | 21   |      |      |      |      |      |      | 279       | 401   |
| <b>Application Intakes</b>  | 36   | 132  | 62   | 67   | 72   | 93   | 69   | 68   | 49   | 42   | 101  | 91   | 62   | 64   | 126  | 58   | 37   | 35   |      |      |      |      |      |      | 614       | 650   |
| <b>PERMITS ISSUED</b>       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |           |       |
| <b>Boardman Total</b>       | 11   | 7    | 7    | 57   | 7    | 15   | 14   | 16   | 27   | 16   | 3    | 17   | 14   | 12   | 21   | 11   | 8    | 6    |      |      |      |      |      |      | 112       | 157   |
| Manufactured Home Placement | 0    | 0    | 0    | 6    | 0    | 0    | 1    | 0    | 1    | 0    | 0    | 0    | 0    | 0    | 16   | 0    | 6    | 0    |      |      |      |      |      |      | 24        | 6     |
| Single Family               | 4    | 0    | 1    | 3    | 3    | 2    | 3    | 2    | 7    | 2    | 1    | 2    | 2    | 2    | 0    | 0    | 0    | 2    |      |      |      |      |      |      | 21        | 15    |
| Multi Family                | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |      |      |      |      |      |      | 0         | 0     |
| <b>Morrow County Total</b>  | 9    | 29   | 11   | 31   | 14   | 50   | 62   | 28   | 40   | 26   | 9    | 33   | 50   | 57   | 19   | 27   | 38   | 9    |      |      |      |      |      |      | 252       | 290   |
| Manufactured Home Placement | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 0    | 0    |      |      |      |      |      |      | 2         | 0     |
| Single Family               | 3    | 0    | 0    | 0    | 1    | 1    | 2    | 0    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 3    | 0    |      |      |      |      |      |      | 10        | 1     |
| Multi Family                | 0    | 0    | 0    | 0    | 0    | 0    | 2    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |      |      |      |      |      |      | 2         | 0     |
| <b>Irrigon Total</b>        | 1    | 5    | 3    | 7    | 5    | 7    | 7    | 10   | 11   | 4    | 5    | 7    | 13   | 11   | 4    | 8    | 8    | 6    |      |      |      |      |      |      | 57        | 65    |
| Manufactured Home Placement | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |      |      |      |      |      |      | 0         | 0     |
| Single Family               | 0    | 0    | 0    | 0    | 0    | 7    | 4    | 1    | 1    | 1    | 1    | 2    | 2    | 5    | 0    | 2    | 0    | 2    |      |      |      |      |      |      | 8         | 20    |
| Multi Family                | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 6    | 0    | 2    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |      |      |      |      |      |      | 8         | 0     |
| <b>Gilliam County Total</b> | 7    | 5    | 6    | 8    | 14   | 6    | 17   | 11   | 5    | 15   | 21   | 11   | 12   | 9    | 10   | 7    | 5    | 7    |      |      |      |      |      |      | 97        | 79    |
| Manufactured Home Placement | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 2    | 0    | 0    | 0    |      |      |      |      |      |      | 3         | 0     |
| Single Family               | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 0    |      |      |      |      |      |      | 0         | 3     |
| Multi Family                | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1    |      |      |      |      |      |      | 0         | 1     |
| Commercial Electrical       | 1    | 1    | 0    | 3    | 0    | 1    | 1    | 3    | 3    | 4    | 2    | 2    | 4    | 3    | 1    | 5    | 1    | 1    |      |      |      |      |      |      | 13        | 23    |
| <b>Total Permits Issued</b> | 28   | 46   | 27   | 103  | 40   | 78   | 100  | 65   | 83   | 61   | 38   | 68   | 89   | 89   | 54   | 53   | 59   | 28   |      |      |      |      |      |      | 518       | 591   |

NOTE: SEPTEMBER STATISTICS IS ONLY FROM 9/1/26 THROUGH 9/16/26

WE WILL HAVE UPDATED #'S NEXT COUNCIL MEETING

### SERVICE AREA

| Jurisdiction   | Square Miles |
|----------------|--------------|
| Morrow County  | 2049         |
| Gilliam County | 1223         |

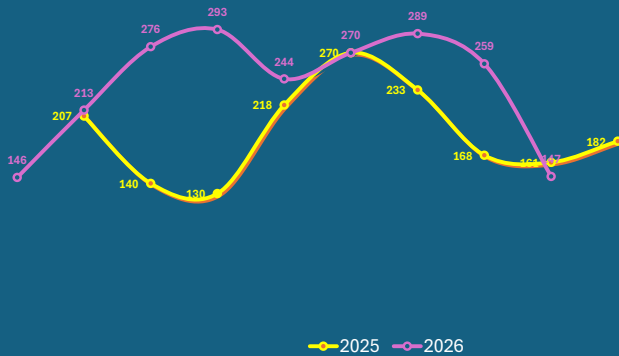
### LEGEND

|                                                                                                                            |           |
|----------------------------------------------------------------------------------------------------------------------------|-----------|
| <span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> | = DUPLEX  |
| <span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> | = RV PARK |

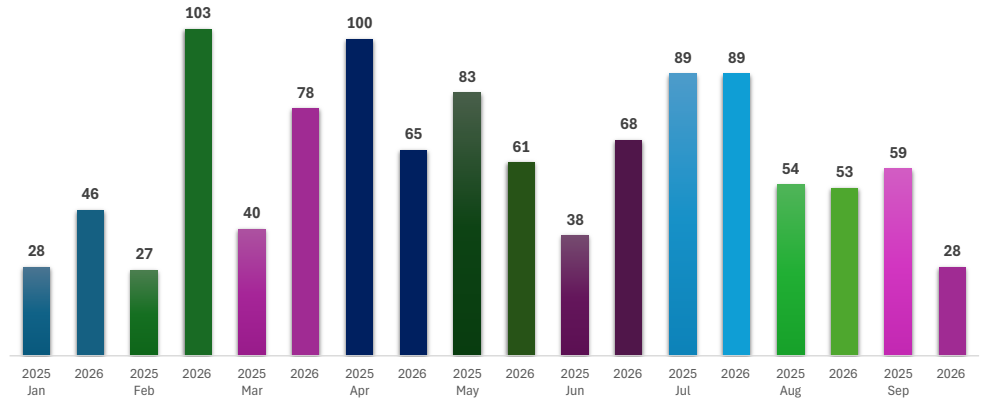
### 2026 YTD SUMMARY

|                     |      |
|---------------------|------|
| Inspections         | 2137 |
| Plan Reviews        | 401  |
| Application Intakes | 650  |
| Permits Issued      | 591  |

### INSPECTIONS COMPLETED



### PERMITS ISSUED





**BOARDMAN POLICE DEPARTMENT**  
**PATROL STATISTICS (UNAUDITED)**  
**CALENDER YEAR 2026**

| Statistics                            | Jan.   | Feb.   | Mar.   | Apr.   | May    | Jun.   | July   | Aug.   | Sep.   | Oct. | Nov. | Dec. | Annual<br>Total |
|---------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------|------|------|-----------------|
| Total Incidents                       | 304    | 346    | 337    | 472    | 445    | 695    | 658    | 553    | 405    |      |      |      |                 |
| Calls for Service                     | 186    | 145    | 158    | 192    | 229    | 226    | 229    | 233    | 165    |      |      |      |                 |
| Officer Initiated Incidents           | 118    | 201    | 179    | 280    | 216    | 469    | 429    | 320    | 240    |      |      |      |                 |
| Traffic stops                         | 75     | 137    | 131    | 182    | 144    | 376    | 305    | 231    | 175    |      |      |      |                 |
| Other OIA Incidents                   | 43     | 64     | 48     | 98     | 72     | 93     | 124    | 89     | 65     |      |      |      |                 |
| Bus/Building Checks                   | 2      | 1      | 2      | 5      | 22     | 2      | 4      | 23     | 7      |      |      |      |                 |
| Veh/Ped check                         | 32     | 35     | 35     | 68     | 48     | 73     | 74     | 50     | 38     |      |      |      |                 |
| <br>Total Officer Reports             | <br>33 | <br>36 | <br>43 | <br>36 | <br>52 | <br>48 | <br>42 | <br>49 | <br>34 |      |      |      |                 |
| CIS Conversion                        | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |      |      |      |                 |
| Crash                                 | 1      | 1      | 2      | 1      | 0      | 0      | 2      | 6      | 1      |      |      |      |                 |
| Felony                                | 4      | 3      | 3      | 0      | 2      | 1      | 3      | 1      | 1      |      |      |      |                 |
| Information Case                      | 8      | 12     | 10     | 18     | 23     | 6      | 13     | 17     | 13     |      |      |      |                 |
| Misdemeanor                           | 15     | 14     | 14     | 9      | 18     | 20     | 18     | 17     | 11     |      |      |      |                 |
| Violation                             | 0      | 3      | 5      | 2      | 2      | 19     | 0      | 2      | 0      |      |      |      |                 |
| Voided                                | 0      | 0      | 1      | 0      | 0      | 1      | 0      | 1      | 3      |      |      |      |                 |
| Unclaissified Reports                 | 5      | 2      | 6      | 6      | 6      | 0      | 5      | 5      | 4      |      |      |      |                 |
| <br>Total Misdemeanor & Felony Arrest | <br>13 | <br>11 | <br>12 | <br>8  | <br>15 | <br>18 | <br>17 | <br>16 | <br>9  |      |      |      |                 |
| Misdemeanor Arrests                   | 10     | 11     | 10     | 8      | 15     | 14     | 16     | 15     | 9      |      |      |      |                 |
| Felony Arrests                        | 3      | 0      | 2      | 0      | 0      | 4      | 1      | 1      | 0      |      |      |      |                 |
| <br>Total Citations                   | <br>21 | <br>20 | <br>17 | <br>24 | <br>19 | <br>49 | <br>54 | <br>63 | <br>28 |      |      |      |                 |
| Code                                  | 0      | 0      | 0      | 0      | 0      | 0      | 1      | 0      | 0      |      |      |      |                 |
| Criminal                              | 0      | 0      | 0      | 1      | 0      | 0      | 2      | 1      | 1      |      |      |      |                 |
| Violation                             | 21     | 20     | 16     | 21     | 19     | 34     | 51     | 49     | 22     |      |      |      |                 |
| Unclassified                          | 0      | 0      | 1      | 0      | 0      | 0      | 0      | 1      | 0      |      |      |      |                 |
| <br>FT's                              | <br>1  | <br>0  | <br>1  | <br>0  | <br>0  | <br>0  | <br>0  | <br>2  | <br>0  |      |      |      |                 |

Note: Stats are from the 23rd of prior month to 22nd of current month.

Note: Calender year end summary report will project slight different totals due to RIMS variations,.

6.04.100 Impoundment.

~~A. A dog found running at large may be impounded by the city, and restrained in the city's designated animal shelter. Within a reasonable time following the impounding of a dog, the city shall make every reasonable effort to notify the keeper of the dog and inform the keeper of the dog of the conditions for release of the animal. Any animal not claimed by the keeper of the dog within a period of five full days in which the shelter is open to the public shall become the property of the city.~~

A dog found running at large may be taken into City custody. If the dog is currently licensed, the City shall make one good-faith courtesy attempt per license period to contact the keeper before the dog is impounded. No additional attempts are required if the keeper does not respond.

If the keeper cannot be reached or is unavailable to take custody of the dog within a reasonable time, the dog may be impounded.

If the dog is **unlicensed and has no tag or other identification that reasonably identifies the keeper**, the City is not required to attempt to contact the keeper before impoundment.

If the dog is not claimed within five full days that the shelter is open to the public, the dog becomes City property.

- B. In the event that the city finds dogs to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the expense of the keeper of the dog or to euthanize them, at the expense of the keeper of the dog, when necessary to prevent further suffering. Return to the keeper of the dog may be withheld until the keeper of the dog shall have made full payment for all expenses so incurred.
- C. In the event the city determines a dog to be a dangerous or aggressive dog as defined in this chapter, the city may impound the dog from the premises of the keeper of the dog to prevent further attacks on domestic animals or humans.
- D. Disposal of an animal by any method specified herein does not relieve the keeper of the dog of liability for violations and any accrued charges.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**CITY OF BOARDMAN  
BEAUTIFICATION PROCLAMATION**

**WHEREAS**, the City of Boardman is proud to be a welcoming community where residents, businesses, property owners, and visitors can enjoy a clean, safe, and attractive place to live, work, and visit; and

**WHEREAS**, keeping Boardman looking its best is a shared responsibility that requires cooperation and participation from everyone in our community; and

**WHEREAS**, the City has adopted codes and standards that help protect the health, safety, appearance, and livability of our community; and

**WHEREAS**, these standards include the proper care of properties, yards, sidewalks, rights-of-way, vegetation, weeds, trash, debris, and other conditions that may affect neighboring properties or the appearance and safety of the community; and

**WHEREAS**, following established City codes helps reduce fire hazards, keeps sidewalks and public areas safe, protects neighborhoods, supports local businesses, and helps maintain property values; and

**WHEREAS**, beautification is more than appearance—it reflects the care we have for Boardman and the respect we show for our neighbors, businesses, visitors, and community; and

**WHEREAS**, the City Council recognizes and appreciates the many residents, businesses, organizations, volunteers, and City employees who work throughout the year to keep Boardman clean and welcoming;

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Boardman City Council encourages all residents, businesses, and property owners to take an active role in keeping Boardman looking great by maintaining their properties, following established City codes, keeping sidewalks and public areas clear, removing trash and debris, managing vegetation, and addressing conditions that may create safety concerns or negatively affect the surrounding area.

**BE IT FURTHER PROCLAIMED**, that the City of Boardman will continue to promote education, cooperation, and reasonable enforcement of established City standards so that together we can protect and improve the appearance, safety, and livability of our community.

**Together, we can keep Boardman clean, safe, welcoming, and a community we are proud to call home.**

**PROCLAIMED by the City Council of the City of Boardman, Oregon, this \_\_\_\_ day of \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Paul Keefer, Mayor

ATTEST:

\_\_\_\_\_  
Amanda Mickles, City Clerk

# BIKE LANES ARE **FOR BIKES**

Section 11, Item A.



## USE BIKE LANES



### MADE FOR BIKES

Bike lanes keep bikers safe.



### FOLLOW THE RULES

No parking or leaving things in bike lanes.



### BE RESPECTFUL

Share the road.  
Be kind.



## DON'T USE SIDEWALKS



### SIDEWALKS ARE FOR PEOPLE

People walk here, not bikes.



### IT CAN BE DANGEROUS

Riding on sidewalks can hurt people.



### USE BIKE LANES

Ride on the road when there is no bike lane.



**USE BIKE LANES  
WHEN THEY ARE AVAILABLE.**

**PLEASE DON'T USE  
SIDEWALKS**

**UNLESS THERE IS NO BIKE LANE.**



CITY OF  
**BOARDMAN**  
OREGON



**SAFE STREETS.  
STRONG COMMUNITY.**



# KEEP OUR SIDEWALKS SAFE & CLEAN!

A friendly reminder for homes + businesses

If your property touches a public sidewalk,  
please help keep it safe for everyone.

1

## KEEP IT CLEAR

Move signs, cans, trailers, plants, and other things out of the walking path.



2

## TRIM TREES & BUSHES

Keep branches and plants from blocking the sidewalk. Branches should be at least 8 feet above it.



3

## CLEAN UP

Pick up litter. Businesses must keep the sidewalk in front of their business free of litter.



4

## FIX DAMAGE

Property owners must keep sidewalks in good repair so people can walk safely.





## SNOW & ICE:

Clear it or make it safe to walk on after snow or ice forms.





### CITY CODES THAT APPLY:

BMC 8.04.050 • 8.04.090 • 8.08.050  
12.04.010 • 12.04.030 • 12.04.060

Thank you for helping keep Boardman welcoming and walkable! ♥

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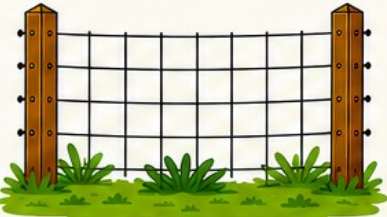


# TARGETED GRAZING

Goats may be present on properties within the City for the purpose of targeted grazing.

## 1 GOATS MUST BE CONTAINED.

Goats must be in the grazing area and contained by physical fencing.



## 2 SIGNS ARE REQUIRED.

Signs must be posted on all sides of the property. Signs must include:



This property is conducting targeted grazing.



Do not worry, molest, harass, or otherwise interact with the goats.



If electric fencing is used, do not touch. The fence is electrified.



Name and contact information of the vendor or owner of the goats.

## 3 ONLY CERTAIN GOATS CAN BE USED.

Only female goats or castrated male goats may be used for targeted grazing.



## 4 GOATS NEED WATER.

Sufficient water must be available to goats during targeted grazing.



## 5 BUSINESSES NEED A LICENSE.

Individuals who offer targeted grazing services for hire must obtain a Transient Merchant License under Chapter 5.04.



## PLEASE REMEMBER!



Respect the goats and their work.



Do not pet, chase, feed, or bother the goats.



Stay outside the fenced grazing area.



Do not touch electric fences.



You may **not** store these on streets or other public property...



Recreational vehicles (RVs)



Boats and boat trailers



House trailers



Motor homes



Utility or other trailers



Similar vehicles or devices



Other personal property



Parking for a short time is okay, but leaving these items for a long time is called **storing**—and that needs a permit!



CITY OF  
**BOARDMAN**  
OREGON



Thank you  
for doing your part!



**BMC 10.16.060**

# CITY OF BOARDMAN

## Vegetation Management

Section 11, Item A.

Keeping grass, weeds, and plants under control helps prevent fires, keeps our neighborhoods safe, and makes our community a great place to live.

### PROHIBITED VEGETATION

Under BMC 8.06, the following is prohibited and considered a nuisance:



Grass or weeds over 6 inches tall during the summer season (April 1 – October 31).



Grass or weeds over 10 inches tall during the rest of the year (November 1 – March 31).



Vegetation that creates a fire hazard.



Vegetation that blocks visibility or creates a traffic hazard.

### NOXIOUS VEGETATION

Under BMC 8.06, the following is considered a nuisance:

- Puncture vine
- Poison oak
- Poison ivy
- Blackberry bushes
- Bamboo
- Cattail
- Russian olive



These plants can spread, block travel, or create unsafe conditions.



### NOT INCLUDED

Agricultural crops and decorative residential landscaping are not included.



## DO YOUR PART!

Well-maintained properties help prevent fires, keep our neighborhoods safe, and make our community a better place to live!

