



# CITY COUNCIL WORKSHOP

July 02, 2024 at 6:00 PM

Boardman City Hall Council Chambers  
**AGENDA**

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1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL/EXCUSED ABSENCES**
4. **REPORTS, CORRESPONDENCE, AND DISCUSSION**
  - A. Mailbox Discussion
  - B.** Charter Finalization
  - C.** Municipal Code Update - Business License
  - D.** Municipal Code Update - Chicken
  - E. Shipping Containers
5. **ADJOURNMENT**

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. Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To make your request, please contact a city clerk at 541-481-9252 (voice), or by e-mail at [city.clerk@cityofboardman.com](mailto:city.clerk@cityofboardman.com).

**Comparison of Boardman Charter and LOC Charter  
City of Boardman Charter Review Committee**

**Preamble and Chapter 1 - Name and Boundaries**

<p><b>Preamble</b></p>	<p><b>Consensus:</b> We, the voters of Boardman, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter.</p> <p><b>1985:</b> TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF BOARDMAN, MORROW COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT. Be it enacted by the people of the city of Boardman, Morrow County, Oregon:</p>
<p><b>Section 1. - Title of enactment</b></p>	<p><b>Consensus:</b> This charter may be referred to as the 2024 City of Boardman Charter.</p> <p><b>1985:</b> This enactment may be referred to as the Boardman Charter of 1985.</p>
<p><b>Section 2. - Name of City</b></p>	<p><b>Consensus:</b> The City of Boardman, Oregon, continues as a municipal corporation with the name City of Boardman.</p> <p><b>1985:</b> The city of Boardman, Morrow County, Oregon shall continue to be a municipal corporation with the name "City of Boardman."</p>
<p><b>Section 3. Boundaries</b></p>	<p><b>Consensus:</b> The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.</p> <p><b>1985:</b> The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of city records shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and the boundary description available for public inspection.</p>

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**CHAPTER II Powers**

<p><b>Section 4. Powers of the City</b></p>	<p><b>Consensus:</b> The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.</p> <p><b>1985:</b> The city shall have all powers which the constitution, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers, and all those powers provided by federal, state, and common law specifically in regard to urban renewal agencies.</p>
<p><b>Section 5. Construction of Charter</b></p>	<p><b>Consensus:</b> The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. This Charter's interpretation shall be examined in its entirety.</p> <p><b>1985:</b> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.</p>
<p><b>Distribution</b></p>	<p><b>Consensus:</b> The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative, and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.</p>

**CHAPTER III Form of Government**

<b>Section 6. General Powers and Duties</b>	<p><b>Consensus:</b> All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.</p> <p><b>1985:</b> Except as this charter provides otherwise, all powers of the city shall be vested in the council.</p>
<b>Section 7. Council</b>	<p><b>Consensus:</b> The council shall be composed of a mayor and six council members elected from the city.</p>
<b>Section 8. Council Members</b>	<p><b>Consensus:</b> Council members in office at the time this charter is adopted shall continue in office each until the end of his or her term of office. At each biennial general election after this charter takes effect, three members shall be elected, each for a term of four years.</p>
<b>Section 9. Mayor</b>	<p><b>Consensus:</b> The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p> <p><b>1985:</b> At each alternate biennial general election beginning in 1988 a mayor shall be elected for a term of four years.</p>
<b>Section 10. Appointive Officers</b>	<p><b>Consensus:</b> Additional officers of the city may be the city manager, city attorney, and municipal judge, each of whom the council may appoint and may remove by majority vote of all incumbent members of the council. These officers shall be subject to supervision by the council only, however, the judicial functions of the municipal judge shall not be subject to supervision by any elected or appointed officer.</p> <p><b>1985:</b> Additional officers of the city may be the city manager, city recorder, city attorney, and municipal judge, each of whom the council may appoint and may remove by majority vote of all incumbent members of the council. These officers shall be subject to supervision by the council only, however, the judicial functions of the municipal judge shall not be subject to supervision by any elected or appointed officer.</p>
<b>Section 11. Salaries</b>	<p><b>Consensus:</b> Through the approval of the annual budget, Council will authorize the compensation of city employees and city officers.</p> <p><b>1985:</b> The council shall fix the amount of compensation for city officers and shall approve a compensation plan for city employees.</p>

**Section 12.  
Qualifications of  
Officers**

Consensus: a) The mayor and each councilor must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.  
b) No person may be a candidate at a single election for more than one city office.  
c) Neither the mayor nor a councilor may be employed by the city.  
d) Neither the mayor nor a councilor may be elected as a Port of Morrow Commission nor a Morrow County Commissioner.  
e) The council is the final judge of the election and qualifications of its members.

**1985:** No person shall be eligible for an elective office of the city unless at the time of their election they are a qualified elector within the meaning of the state constitution and have resided in the city during the 12 months immediately preceding the election. The council shall be the final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

**CHAPTER IV Council**

<b>Section 13. Meetings</b>	<p><b>Consensus:</b> The council must meet at least once a month at a time and place designated by council rules and may meet at other times in accordance with the rules and laws of the state of Oregon.</p> <p><b>1985:</b> The council shall hold regular meetings at least once a month in the city at a time and at a place that it designates. Regular and additional meetings of the council shall be held in accordance with procedures prescribed by state law and general ordinance. The council shall adopt rules for the government of its members and proceedings.</p>
<b>Section 14. Quorum</b>	<p><b>Consensus:</b> Except as specifically addressed, a majority of the council members is a quorum to conduct business. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly solely for the purpose to make necessary appointment(s) to reach the required quorum.</p> <p><b>1985:</b> A majority of the incumbent members of the council, which may include the mayor, shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.</p>
<b>Section 15. Record of Proceedings</b>	<p><b>Consensus:</b> A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.</p> <p><b>1985:</b> The council shall cause a record of its proceedings to be kept.</p>
<b>Section 17. Mayor's Functions at Council Meetings</b>	<p><b>Consensus:</b> The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.</p> <ul style="list-style-type: none"> <li>a) With the consent of the council, the mayor appoints members of commissions and committees established by ordinance or resolution.</li> <li>b) The mayor must sign all records of council decisions.</li> <li>c) The mayor serves as the political head of the city government but shall have no administrative duties.</li> </ul> <p><b>1985:</b> The mayor shall be chairman of the council and preside over its deliberations. The mayor shall have a vote on all questions before it, and shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.</p>
<b>Section 18. Council President</b>	<p><b>Consensus:</b> At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties. In the absence of both mayor and president of the council, the remaining members of the council may elect a president pro tem.</p> <p><b>1985:</b> At its first meeting after this charter takes effect and thereafter at its first meeting of each year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of office, the president shall act as mayor. In the absence of both mayor and president of the council, the remaining members of the council may elect a president pro tem.</p>

<p><b>Section 19. Vote Required</b></p>	<p><b>Consensus:</b> The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council. The voting requirement to fill council member vacancies, if there is less than a majority of council member remaining, is separate from the quorum requirement required to conduct all remaining city business unless otherwise stated.</p>
	<p><b>1985:</b> Except as this charter otherwise provides, the concurrence of a majority of members of the council voting when a quorum of the council is present shall decide any question before it. No council member present at the council meeting shall abstain from voting without first stating at the meeting his or her reasons.</p>

Section 4, Item B.

<p><b>Rules</b></p>	<p><b>Consensus:</b> The council must by resolution adopt rules to govern its meetings.</p>
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CHAPTER V Powers and Duties of Officers

Section 22.  
Municipal Judge

<p>Court.</p> <p>b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.</p> <p>c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.</p> <p>d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.</p> <p>e) The municipal judge may:</p> <ol style="list-style-type: none"> <li>1) Render judgments and impose sanctions on persons and property;</li> <li>2) Order the arrest of anyone accused of an offense against the city;</li> <li>3) Commit to jail or admit to bail anyone accused of a city offense;</li> <li>4) Issue and compel obedience to subpoenas;</li> <li>5) Compel witnesses to appear and testify and jurors to serve for trials before the court;</li> <li>6) Penalize contempt of court;</li> <li>7) Issue processes necessary to enforce judgments and orders of the court;</li> <li>8) Issue search warrants; and</li> <li>9) Perform other judicial and quasi-judicial functions assigned by ordinance.</li> </ol> <p>f) The council may appoint and may remove municipal judges pro tem.</p> <p>g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.</p>
<p><b>1985:</b> (1) The council may create a municipal court and appoint a municipal judge and such pro tem judges as it considers necessary, to hold office at the pleasure of the council. Notwithstanding this section or section 10 of this charter, the council may provide for the transfer of powers and duties of the municipal court to the appropriate court of the state of Oregon.</p> <p>(2) A municipal judge shall hold within the city a court known as the municipal court for the city of Boardman, Morrow County, Oregon. The court shall be open for judicial business at times specified by the council. All area within the city and, as provided by law, territory outside the city, is within territorial jurisdiction of the court. All proceedings of the municipal court are governed by the general laws of the state for justice of the peace and justice courts except as this charter or city ordinance prescribe to the contrary. The municipal court has original jurisdiction over all offenses that city ordinances or this charter define and make punishable and over all actions to recover or enforce forfeitures or penalties that city ordinances or this charter define or authorize.</p> <p>(3) A municipal judge may:</p> <ol style="list-style-type: none"> <li>(a) render judgments and impose sanctions for enforcement of judgments on persons and property within its jurisdiction.</li> <li>(b) cause the arrest of a person accused of an offense against the city</li> <li>(c) commit to jail or admit to bail pending trial a person accused of an offense against the city</li> <li>(d) issue and compel obedience to subpoenas</li> <li>(e) compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court</li> <li>(f) punish witnesses and others for contempt of court</li> <li>(g) issue any process necessary to carry into effect the judgment of the municipal court</li> <li>(h) issue search warrants</li> <li>(i) perform other judicial or quasi-judicial functions as the council prescribes by general ordinance</li> </ol>



**Consensus:** a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies and carry out policies established by ordinances and resolutions.

b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and competencies and practices of local government management.

c) The manager will reside in the city.

d) The manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

e) The manager must:

- 1) Attend all council meetings unless excused by the mayor or council;
- 2) Make reports and recommendations to the mayor and council about the needs of the city;
- 3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;
- 4) Appoint, supervise, and remove city employees;
- 5) Organize city departments and administrative structure;
- 6) Prepare and administer the annual city budget;
- 7) Administer city utilities and property;
- 8) Encourage and support regional and intergovernmental cooperation;
- 9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;
- 10) Perform other duties as directed by the council; and
- 11) Delegate duties but remain responsible for actions of all subordinates.

f) The manager has no authority over the council or over the judicial functions of the municipal judge.

g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section 4, Item B.

**Section 23. City Manager**

**1985:** (1) Qualifications. The city manager:

- (a) shall be the administrative head of the city government
- (b) shall be chosen by a majority vote of all members of the council in office without regard to political considerations and solely with reference to executive and administrative qualifications
- (c) need not be a resident of the city or of the state at the time of appointment but shall promptly thereafter become a resident of the city and remain a resident during his or her employment

(2) Bond. Before taking office, the manager shall give a bond in an amount and with such surety as is approved by the council. The premiums on the bond shall be paid by the city.

(3) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council.

(4) Powers and Duties. The manager shall:

- (a) be directly responsible to the mayor subject to the direction of the council as a body and not to other individual council members
- (b) attend all meetings of the council unless excused by the council or mayor
- (c) keep the council advised of the affairs and needs of the city
- (d) make reports annually, or more frequently if requested by the council, about the affairs and departments of the city
- (e) be responsible for enforcement of all ordinances
- (f) see that the provisions of all franchises, leases, contracts, permits, licenses, and privileges granted by the city are observed
- (g) appoint and remove all employees except as otherwise provided by this charter
- (h) generally supervise and control all employees, except as otherwise provided by this charter
- (i) organize and, as necessary, reorganize the various city departments
- (j) prepare the annual budget for transmittal to the council
- (k) be responsible for making all purchases
- (l) supervise the operation of all city-owned public utilities and city-owned property
- (m) perform such other duties as the council directs

(5) the manager shall not have control over the council, the city attorney, city recorder, or municipal judge

(6) Participation in Council Meetings. The manager may take part in all council discussions.

(7) City Manager: Vacancy. If the office of city manager becomes vacant or if the city manager is absent from the city or disabled, the council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the council. The term of office of the city manager pro tem ends when the city manager returns to the city or takes office, or at the pleasure of the council.

(8) Interference in Administration and Elections. A member of the council shall not directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment or in removal of an employee or in purchasing supplies; or attempt to exact a promise relative to an appointment from any candidate for manager. A violation of this subsection forfeits the office of the offending member of the council, who may be removed by the council or a court of competent jurisdiction. The council may, however, in session, discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. Further, a council member may, at any time, request and receive from the manager any other city employee information to which a private citizen is entitled.

## Comparison of Boardman Charter and LOC Charter City of Boardman Charter Review Committee

### CHAPTER VI Elections

<b>Section 24. Elections</b>	<p><b>Consensus:</b> 1. Councilors - The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.</p> <p>2. Mayor - The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p> <p>3. State Law - City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.</p> <p>4. Qualifications</p> <p style="margin-left: 20px;">a) The mayor and each councilor must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.</p> <p style="margin-left: 20px;">b) No person may be a candidate at a single election for more than one city office.</p> <p style="margin-left: 20px;">c) Neither the mayor nor a councilor may be employed by the city.</p> <p style="margin-left: 20px;">d) The council is the final judge of the election and qualifications of its members.</p> <p>5. Nominations - The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.</p> <p>6. Terms - The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.</p> <p>7. Oath - The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.</p> <p>8. Filling council vacancies beginning with one council member will proceed as follows: last remaining councilor appoints one seat, the two then appoint a third, and so on until a quorum of four is present.</p> <p><b>1985:</b> Except as this charter provides otherwise, and as the council provides otherwise by ordinance, the general laws of the state apply to city elections.</p>
<b>Section 25. Tie Votes</b>	<p><b>Consensus:</b> In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.</p>
<b>Section 26. Commencement of Terms of Officer</b>	<p><b>Consensus:</b> The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.</p> <p><b>1985:</b> The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.</p>

<b>Section 27. Oath of Office</b>	<b>Consensus:</b> The mayor and each councilor, before entering upon the duties of office, shall take an oath or shall affirm that the officer will support the constitutions and laws of the United States and of the State of Oregon and will faithfully perform the duties of office. <b>1985:</b> Before entering upon the duties of office, each officer shall take an oath or shall affirm that the officer will support the constitutions and laws of the United States and of the State of Oregon and will faithfully perform the duties of office.
<b>Section 28. Nominations</b>	<b>Consensus:</b> Nominations for elective office for the city of Boardman shall be made pursuant to the general ordinances of the city.

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**CHAPTER VII Vacancies in Office**

<p><b>Section 29. What Creates a Vacancy.</b></p>	<p><b>Consensus:</b> The mayor or a council office becomes vacant:</p> <ul style="list-style-type: none"> <li>a) Upon the incumbent's:             <ul style="list-style-type: none"> <li>1) Death;</li> <li>2) Adjudicated incompetence; or</li> <li>3) Recall from the office.</li> </ul> </li> <li>b) Upon declaration by the council after the incumbent's:             <ul style="list-style-type: none"> <li>1) Failure to qualify for the office within 10 days of the time the term of office is to begin;</li> <li>2) Unexcused absent from all council meetings within a 90-day period;</li> <li>3) Ceasing to reside in the city;</li> <li>4) Ceasing to be a qualified elector under state law;</li> <li>5) Conviction of a felony crime;</li> <li>6) Resignation from the office; or</li> <li><b>7) Removal under Section 8.1(i).</b></li> </ul> </li> </ul> <p><b>1985:</b> An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from office; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for his term of office to commence; and, in the case of the mayor or a council member missing three (3) consecutive regular council meetings without the council's consent, and upon the council's declaration of the vacancy.</p>
<p><b>Section 30. Filling of Vacancies.</b></p>	<p><b>Consensus:</b> A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. Notwithstanding the quorum requirement set forth in <b>Section 3.7</b>, if at any time council membership is reduced to less than ____ [insert number based on total council membership required for majority], the remaining members may, by majority action, appoint additional members to raise the membership to ____ [insert majority council number]. As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other council seats are vacant. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.</p> <p><b>1985:</b> Vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining members of the council. The appointee's term of office shall begin immediately upon appointment and shall continue through the unexpired term of the predecessor. During the temporary disability of any officer or during an absence temporarily from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently.</p>

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**CHAPTER VIII Ordinances**

<b>Section 31. Enacting Clause.</b>	<b>Consensus:</b> The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Boardman ordains as follows:"
	<b>1985:</b> The enacting clause of all ordinances hereafter enacted shall be: "The people of Boardman do ordain as follows."

	<p><b>Consensus:</b> a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.</p> <p>b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.</p> <p>c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.</p> <p>d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>e) After adoption of an ordinance, the Mayor and City Clerk shall sign the document with the date of its passage, name, and title of office.</p>
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**Section 32. Mode of Enactment.**

**1985:** (1) Except as paragraph (2) or (3) of this section provides to the contrary, every ordinance of the council shall, before final passage, be read fully and distinctly in one open council meeting, and by title only at a second meeting; (2) an ordinance may be enacted at a single meeting of the council by majority vote of all council members, upon first being read by title only if:

- (a) a copy is provided for each council member and copies provided for the public in the office of the custodian of city records not later than one week before the reading of the title of the ordinance; and
- (b) notice of availability of the ordinance is posted at the city hall and two other public places in the city; and
- (c) copies are made available for public use in the council chambers at the meeting of the council; and
- (d) provided no member of the council requests the ordinance be read in full

(3) an ordinance may be adopted after being read by title only at two separate meetings when unanimous attendance of the council cannot be obtained provided the provisions of paragraph (2) of this section are met.

(4) Any section of an ordinance changing substantially the legal effect of the ordinance as previously circulated shall be read in full in open council meeting prior to being adopted by the council.

(5) Upon the final vote of an ordinance, the ayes and nays of the council members shall be taken and entered in the record of the proceedings.

(6) Upon the enactment of an ordinance, the Mayor shall sign it with the date of its passage and the mayor's name and title of office, and immediately thereafter the recorder/clerk shall sign it with the date of the recorder/clerk's signature and the title of the office. All ordinances enacted by the council shall take effect thirty days after their passage unless a later date is fixed therein, in which event they shall take effect at such later date, subject to referendum if legislative. Provided, however, an ordinance (a) making appropriations and the annual tax levy; (b) relative to local improvements and assessments thereof; or (c) emergency ordinance, shall take effect immediately upon their passage, or any special date less than thirty days after passage, specifically fixed in such ordinance. The council may, by declaring an emergency, provide an earlier effective date for an ordinance or that it take effect immediately upon its final passage upon a unanimous vote of the members present and

**Effective Date of Ordinance**

Ordinances normally take effect thirty days after adoption or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than thirty days after adoption if it contains an emergency clause.

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**CHAPTER IX Public Improvements**

<b>Section 35. Special Assessments.</b>	<b>Consensus:</b> The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance. <b>1985:</b> The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.
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**CHAPTER X Miscellaneous Provisions**

<b>Section 37. Debt Limit.</b>	<p><b>Consensus:</b> City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.</p> <p><b>1985:</b> Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$75,000 nor its bonded indebtedness \$50,000 at any one time. For purposes of calculating the limitations, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.</p>
<b>Section 38. Existing Ordinances Continued.</b>	<p><b>Consensus:</b> All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.</p> <p><b>1985:</b> All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.</p>
<b>Section 39. Repeal of Previously Enacted Provision.</b>	<p><b>Consensus:</b> All charter provisions adopted before this charter takes effect are repealed.</p> <p><b>1985:</b> All charter provisions of the city enacted prior to the time this charter takes effect are hereby repealed.</p>
<b>Section 40. Severability.</b>	<p><b>Consensus:</b> The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.</p> <p><b>1985:</b> If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.</p>
<b>Section 41. Time of Effect of Charter.</b>	<p><b>Consensus:</b> This charter takes effect _____, 20 .</p> <p><b>1985:</b> This charter shall take effect on the first day of January, 1985.</p>



Title 5 – BUSINESS REGULATIONS

**CHAPTER 5.04 – BUSINESS LICENSE, TRANSIENT MERCHANT, SPECIAL EVENT, AND MOBILE VENDOR PERMITS AND REGULATIONS**

Sections:

- 5.04.010 – Purpose.
- 5.04.020 – Applicability.
- 5.04.030 – Definitions.
- 5.04.040 – Businesses or Activities Required to be Licensed, Permitted, and Regulated.
- 5.04.050 – Exemptions.
- 5.04.060 – Application Requirements.
- 5.04.070 – Business License Requirements.
- 5.04.075 – Contractor’s Project License.
- 5.04.080 – Transient Merchant Requirements.
- 5.04.085 – Taxicab and Uber Requirements.
- 5.04.090 – Special Event Requirements.
- 5.04.100 – Mobile Vendor Requirements.
- 5.04.110 – Application Review.
- 5.04.120 – Fee Schedule.
- 5.04.130 – Approval Process.
- 5.04.140 – Denial, Suspension, or Revocation.
- 5.04.150 – Appeal.
- 5.04.160 – Posting and Display of License or Permit.
- 5.04.170 – Violations and Penalties.

**5.04.010 – Purpose.**

This Chapter is enacted to ensure that each business is conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with the public health, safety, and general welfare; 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, special events, and mobile food vendors on all property within the City of Boardman.

**5.04.20 – Applicability.**

This Chapter provides reasonable and necessary regulations for the licensing of a variety of businesses and special events 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.

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.

**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.

“Business License” is an annual or period specific license, issued by the City Manager which is required for persons and entities conducting business for profit within the City.

“Business License Administrator” is the City appointed authority for reviewing, approving, or denying business license or permit applications.

“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.

“Food Plaza Vendor” is a mobile food vendor, located within a Food Vendor Plaza, which offers food items for sale from a vehicle which is propelled by motorized or bicycle propelled means.

“Food Vendor Plaza” is the public location for two or more mobile food vendors for an indefinite period of time.

“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 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 business 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 Vendor Permit” is a permit issued by the City of Boardman for the mobile sale and service of goods. Said Permit contains preconditions, which are established herein, for a mobile vendor business license, which may be referred to as “Permit.”

“Non-profit organization” means any business or organization which is exempt from taxation under the United States Internal Revenue Code and produces a determination letter of proof thereof.

"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 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.

“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.

“Special event” includes any activity which is likely to attract at any one time an assembly of persons, conducted for a specified period at one or more locations within the city under the auspices of and subject to the supervision and direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and public dances.

“Taxicab” is any motor vehicle which carries passengers for hire when the journey originates in the city and where the destination and route may be controlled by passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled, waiting time, or a flat fee. Any vehicle which has an appearance deceptively like a taxicab is a taxicab for the purposes of this chapter. For the purposes of this Chapter a “taxicab” is treated in the same way as a ride share service such as Uber or Lyft with those services also needing to obtain a permit and meet the same or similar requirements.

“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.”

**5.04.040 – Businesses or 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 conduct business or a special event within the City without first having obtained the necessary licenses or permits for the current year as provided under this chapter.
- B. A person engaged in business in more than one location, or in more than one business licensed or permitted under this Chapter shall make a separate application and pay a separate license fee for each business or location, except as otherwise provided in this Chapter. Some businesses under this ordinance may be required to obtain more than one license or permit such as a Mobile Food Vendor.
- C. If more than one business is conducted on the same premises, each business must obtain a separate license.
- D. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a business within the City of which a license or permit fee is 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.
- E. 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 will be issued.
- F. No person shall do business 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 business license or permit for the business, no matter where the principal offices of that business are situated.
- G. 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.
- H. Bed and Breakfast, Vacation Rentals, and Short-Term Rental uses, meeting the applicable provisions of the Boardman Development Code, shall be required to obtain a business license in accordance with the provisions of this chapter.

**5.04.050 – Exemptions.**

The following are exempt from the licensing and permitting requirements:

- A. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
- B. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors, and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.
- C. Garage sales, yard sales and other similar activity conducted, carried on or operated by an individual, provided, however, such exemption will not apply if either of the following conditions are met:
  - 1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
  - 2. Any one such sale has a duration of more than 72 consecutive hours.
- D. Rental of just one dwelling unit for periods of 30 consecutive days or more.

- E. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.
- F. Persons providing day care services for children in the person's home and in compliance with state law.
- G. Any person who goes into the home of a child to give care during the temporary absence of the parent, legal guardian, or custodian.
- H. Transient Merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- I. 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.
- J. Any political group seeking funds or membership.
- K. 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.
- L. The following must obtain a business license but are exempt from payment of the license fee:
  1. Any entity registered with the Oregon Secretary of State as a not-for-profit corporation.
  2. Any business exempt from paying local business license fees or taxes by Federal or State constitution or law.
  3. Any business exempt from paying property tax.

#### **5.04.060 – Application Requirements.**

Each person desiring to engage in doing business or hosting a special event must apply for a license or permit to operate, engage, conduct, or carry on the business or special event on such forms and in such manner as the Business 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 Master Fee Schedule. The application submitted through the online portal shall include the following information:

- A. The date of the application;
- B. The name and physical address of the business, the address where the business will be located or have its office within the City, and the address of the principal office of such business;
- C. A brief description of the nature of the business, including its primary or predominant business activity;
- D. The date that business operations will commence;
- E. 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;
- F. The average number of persons regularly employed;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. The types of hazardous materials, if any, regularly maintained on the premises as defined under ORS 466.605;
- I. 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;
- J. 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;
- K. 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 192.410-192.505) and other applicable laws; and
- L. Any other information necessary to enable the Business License Administrator or designee to review the application to determine whether the application should be approved.
- M. Any other information necessary to review the applications for transient merchants, special events, and mobile food vendors.
- N. 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.

**5.04.070 – Business License Requirements**

- A. All businesses within the City of Boardman shall obtain and maintain a Business License or other Permit as required under this Title unless expressly exempted in 5.04.050.
- B. The following business types may be requested to provide additional information as part of their application for a business license:
  - 1. Merchant Police
  - 2. Detective Business
  - 3. Pawnbrokers
  - 4. Antique Dealers, Precious Metal and Gem Dealers, Scrap Metal Dealers, and Secondhand Dealers

**5.04.075 – Contractor’s Project License**

A Construction Project is any activity for which registration with the Oregon Construction Contractor’s Board is required and for which a building permit has or will be issued. The prime or general contractor may obtain a Construction Project License for a project as an alternative to obtaining a Business License for each subcontractor engaged in the Construction Project. The Construction Project License is valid for the life of the project. In addition to the Business License application requirements the following information shall be provided:

- A. A description of the Construction Project.
- B. The name and CCB number of the applicant and of each subcontractor engaged in the Construction Project.
- C. The location of the Construction Project.
- D. The anticipated duration of the Construction Project.

Amendments or supplements to the application can be made during the project to add or remove subcontractors and to extend the length of the Contractor’s Project License should it be necessary. The Contractor’s Project License is applicable to a single project and is issued in lieu of a Business License for the general and each sub-contractor working on the Construction Project.

**5.04.080 – Transient Merchant Requirements**

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. The location from which the applicant will operate.
- C. The length of time the applicant will conduct the business.
- D. The hours of operation.
- E. Proof of general liability insurance and proof of products liability and errors and omissions insurance if applicable to the type of business being conducted.

#### **5.04.085 – Taxicab and Ride Share Requirements**

It is the purpose of this chapter to require that those persons operating taxicabs and other ride share services do so in a safe, fair and efficient manner. The taxicab industry constitutes an essential part of the region's transportation system, and transportation so fundamentally affects the well-being of the regions citizens that some regulation is necessary to ensure that the public safety is protected, the public need provided for, and the public convenience promoted. The provisions contained herein should be applied and enforced in such a manner as to require the taxicab industry to regulate itself, under city supervision, to promote innovation and adaption to changing needs, and respond to economics of the marketplace, so long as the public interest is served.

- A. Taxicab Company Certificate Required; Exemptions.
  - 1. No person shall operate any taxicab or ride share in the City of Boardman without possessing, in addition to any license required by any other law, a valid taxicab or ride share company certificate issued pursuant to this chapter. A certificate may not be sold, assigned, mortgaged or otherwise transferred.
  - 2. Exemptions to certificate requirement.
    - a. Public transportation provided and funded in whole or in part by public organizations shall be exempt from the permit requirements of this chapter.
    - b. Services provided for the exclusive purpose of providing transportation to and from medical facilities.
    - c. Courtesy shuttles provided by hotels, motels, and residential care facilities as a convenience for registered guests or residents, where no additional charges apply.
- B. Application Required. In addition to the information required for a Business License the following information shall be provided:
  - 1. The make, type, year of manufacture, VIN number, and seating capacity of each vehicle that will be operated as a taxicab.
  - 2. A description of the color scheme, insignia, trademark, or any other distinguished characteristics of the vehicle design. Pictures can be submitted. For ride share contractors the logo or label of the ride share company shall be prominently displayed.
  - 3. A list of any violation, misdemeanor, or felony convictions, the nature of the offense, and the punishment or penalty assessed for the owner(s) and/or any officers of the company.
  - 4. Proof of insurance in the manner and form required by this chapter from a responsible, solvent insurance carrier authorized to issue public liability and property damage insurance in the State of Oregon.
  - 5. All taxicab and ride share applications will be subject to review by the Police Chief or designee to include investigation within 60 days from the time application is made. The Police Chief or designee will provide his written report to the Business License Administrator prior to issuance of the License.
- C. Issuance and renewal. The Business License Administrator will issue the License in sufficient

quantity to allow all taxicab or ride share vehicles to display the License in a prominent location within the taxicab or ride share vehicle. Annual renewals will require resubmittal of the items listed above with investigations limited to issues related to accidents or complaints.

- D. **Minimum Standards for Taxicab Companies.** Any taxicab company operating under a certificate issued pursuant to this chapter shall comply with the following minimum standards:
1. A dispatch system in operation 18 hours each day capable of providing reasonably prompt service in response to requests received.
  2. Facilities and personnel sufficient to ensure that every taxicab operated by the taxicab company complies with the requirements of this chapter.
  3. Insurance policies in force sufficient to meet the requirements of this chapter and to protect the taxicab company to the same limits of liability.
- E. **Equipment.** Every taxicab is to be equipped with the following:
1. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer.
  2. Taxicabs charging flat rates must be equipped with a sign that states "Flat Rate" in a conspicuous location visible to the customer inside the taxicab.
  3. Exterior markings or equipment identifying the vehicle as a taxicab.
  4. The company name and telephone number where service can be requested displayed on the exterior of the taxicab.
  5. A current copy of the taxicab company certificate with the approved vehicle's vehicle identification number (VIN) displayed within the vehicle where it is visible to the customer.
  6. A notice providing information necessary to file a complaint as required by the Chapter.
  7. All safety equipment required by federal law, state law, or this chapter.
- F. **Insurance and Indemnification.**
1. No person shall operate any vehicle as a taxicab unless that vehicle is covered by commercial liability insurance providing coverage of not less than the limit on liability of local public bodies for personal injury and death as established by the Oregon Tort Claims Act. Liability coverage shall be provided on an "occurrence" not "claims" basis. A certificate of insurance coverage, providing evidence that insurance coverage is in compliance with this section, shall be filed with the Business License Administrator. The City of Boardman, its officers, employees, and agents shall be named as additional insureds.
    - a. The limits of insurance coverage required for taxicab companies under this section shall be subject to any changes regarding the minimum limits of liability insurance of local public bodies for personal injury and death as established by the Oregon Tort Claims Act.
    - b. Insurance policies for all vehicles operating as taxicabs shall contain a provision that the policy will not be reduced in coverage or canceled without 30 days prior written notice to the Business License Administrator.
    - c. Failure to maintain adequate insurance as required under this section shall be cause for immediate suspension or revocation of a taxicab company certificate.
  2. All taxicab companies and drivers that receive a certificate or a permit shall, to the extent permitted by law, agree to defend, indemnify and hold harmless the city, its officers and employees from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from any claims for damages to property, or injury to persons, which may occur in connection with the operation of a taxicab company or a taxicab under the terms of the



certificate or permit.

3. Ride share contractors shall provide evidence of insurance in conformance with the primary ride share company or organization's requirements and if they receive a certificate or permit shall, to the extent permitted by law, agree to defend, indemnify and hold harmless the city, its officers and employees from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from any claims for damages to property, or injury to persons, which may occur in connection with the operation of a ride share vehicle under the terms of the certificate or permit.
- G. Approval of Drivers. It is unlawful for any person to operate a taxicab or ride share in the City of Boardman without a taxicab or ride share driver permit issued by the Business License Administrator and reviewed by the Police Department in accordance with the terms of this Chapter.
1. Application for a taxicab or ride share driver permit is to be made to the Business License Administrator, through the CitizenServe platform, accompanied by the fee established by resolution of the City Council. The applicant must provide a certified copy of the applicant's department of motor vehicle records and a copy of the applicant's driver's license. When the Business License Administrator receives the application, they shall request the Police Chief or designee that such investigation of the applicant's background as necessary to verify that each taxicab driver issued a permit:
    - a. Is 21 years of age or older;
    - b. Within the last ten years, has not been convicted of any crimes involving moral turpitude or dishonesty except there is no time limit for any convictions involving sex crimes as defined by ORS [801.105](#), theft in the first degree, fraudulent use of a credit card, identity theft or any crime classified as a person felony as that term is defined in the rules of the Oregon Criminal Justice Commission unless the conviction has been set aside pursuant to ORS [137.225](#) or another state's similar proceeding;
    - c. Possesses a valid Oregon driver's license;
    - d. Has not had his or her driver's license revoked by any state within the last five years; and
    - e. Did not make any false statements in the application.
  2. If the Business License Administrator based upon the Police Chief's input determines that the applicant meets the requirements of this section, the Business License Administrator may issue the permit. The permit expires one year from the date of issuance and may be renewed from year to year by filing a renewal application with the Business License Administrator. The fee for a renewal permit shall be set by resolution of the City Council. Failure to renew a license before expiration of the current taxicab or ride share driver permit shall result in late fees.
  3. *Denial of permit.* No permit shall be issued or renewed to any person if the city determines, after a review of a person's traffic or criminal record, and any other information the city deems pertinent, that the public health, welfare, and safety would not be served by the issuance or renewal of a permit to that person. If the application is denied, the applicant may, within seven days of notification of the denial by the city, appeal the matter as outlined in this Title.
- H. Operating Regulations of Taxicab and Ride Share Companies and Drivers.
1. *Taxicab or Ride Share companies.* A taxicab or ride share company shall not:
    - a. Allow persons to operate taxicabs who do not have a valid Oregon driver's license, or who have had their driving privileges suspended any time within the past 12 months.
  2. *Taxicab and ride share drivers.* A taxicab or ride share driver shall not:

- a. Transport a passenger to his or her destination by any other than the most direct and safe route, unless requested to do so by the passenger;
  - b. Fail to give a correct receipt upon payment of the correct fare if requested to do so by the passenger;
  - c. Permit additional persons to occupy or ride in the taxicab or ride share vehicle without consent of the original passenger;
  - d. Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab or ride share service company when the taxicab or ride share vehicle is not already in service, and who is able to demonstrate the ability and willingness to pay the fare;
  - e. Charge a fare higher than the posted rates, or try to defraud a passenger in any way by manipulating devices to cause a registration to be made of a greater distance or more time.
- I. Cancellation, Suspension, Revocation, or Appeal of Permit or License.
- 1. Any taxicab company or ride share vehicle certificate may be suspended or revoked by the Business License Administrator if the Business License Administrator finds after a reasonable investigation verifying that any one or more of the following conditions exists:
    - a. A taxicab company or ride share contractor, or any of the company's owners, employees, or agents, has violated any of the provisions of this chapter or any other ordinance of the City of Boardman, or any of the laws of the state of Oregon.
    - b. The taxicab company or ride share contractor ceases to operate any taxicab or ride share for a period of 15 consecutive days without obtaining permission for the cessation of such operation from the city.
    - c. The taxicab company or ride share contractor fails to pay any of the fees or payments required to be paid by the provisions of this chapter.
    - d. The suspension or revocation is necessary to protect the public health, safety, and welfare generally, or the safety of the taxicab or ride-sharing public in particular.
  - 2. Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefor and the right to appeal the decision as allowed by this Title.
  - 3. Except as provided below, any suspension or revocation shall be effective at least ten days after mailing a copy thereof by first class United States mail addressed to the taxicab company and/or taxicab or ride share driver at the business or residence address shown on the permit application or renewal.
  - 4. Notwithstanding subsection (2) of this section, a suspension or revocation may be made effective immediately if the city finds reasonable grounds to believe that:
    - a. A person holding a taxicab or ride share driver's permit is not covered by liability insurance as required by this chapter;
    - b. A vehicle being operated as a taxicab or ride share vehicle is not covered by liability insurance required by this chapter; or
    - c. Continued operation by the taxicab company, taxicab driver, or ride share driver would cause, or is likely to cause, imminent danger to the public health, safety, or welfare.
- J. Rates. A flat fare remains constant regardless of the distance traveled or the time involved. Except for a taxicab or ride share charging a flat rate, the rates to be charged to passengers are to be based on the factors of mileage from the point of origin to the point of destination by the most direct route, the time involved, and the number of passengers. No taxicab or ride share may charge any fees or rates other than those that are posted.

- K. Complaints.
  1. Every taxicab or ride share shall have posted in a prominent place within the passenger compartment a notice entitled "Complaints" setting forth the address and telephone number of the taxicab or ride share company to which complaints should be directed and a notice that a record of all complaints shall be open to inspection and review by the city at any time on its request.
  2. Taxicab or ride share companies shall maintain a record of all complaints received either in writing or by telephone.
  
- L. Violation; Penalty.
 

Any person who violates a provision of this chapter commits a Class B violation.

**5.04.090 – Special Event Requirements**

Any use or event not meeting the definition of “Special Event” shall be deemed to be a use subject to review under the Boardman Development Code. Any permit shall be issued to the sponsor of the special event and shall be limited to the stated duration of the event and not exceed 10 days. The application must be submitted through CitizenServe at least 30 days prior to the first day of the special event. If alcohol will be available as part of the special event proper application to the Oregon Liquor Control Commission shall be obtain with approval by the City Council. The City Council meets the first Tuesday of each month with information for action required at least one week prior to the meeting. This timing should be accounted for when making an application for a Special Event. All special events will be reviewed by an interdisciplinary team that may include, but not be limited to, Planning, Building, Public Works, Police, and Fire Marshall.

The following shall be submitted with any application for a special event.

- A. Dates and times of the event.
- B. Anticipated number of attendees.
- C. All locations that will be used for the event. This shall be represented as a map of a scale to adequately show the area(s) impacted and will include event location, parking, staging areas, and any parade or other impacted roadways.
- D. Route of any parades or other event components that would occur within public right-of-way.
- E. Location of any beer garden or other location where alcoholic beverages would be available.
- F. OLCC Permit or proof of permit submittal.
- G. Traffic plan.
- H. Parking plan.
- I. Safety and security plan. This should also address noise, lighting, or other impacts that the event may create.
- J. Waste management plan. This should address both human waste and trash.
- K. Proof of any other necessary licenses or permits. If mobile vendors will be a part of the event each vendor will also need to obtain a mobile vendor permit under this Chapter.
- L. Proof of liability insurance.

All special events shall comply with the following:

- A. All local and state laws, including but not limited to regulations and standards imposed or enforced by the Boardman Municipal Code and Boardman Development Code not outlined in this Chapter.
- B. All waste shall be disposed of in compliance with all city, county, and state standards, and may not be poured into sewer or storm drains or onto the ground. Adequate trash receptacles must be provided in accordance with the terms of the permit.

- C. No special event will be permitted:
  1. Within the required landscape or setback area of the property.
  2. That blocks vision at street intersections.
  3. That blocks a crosswalk or otherwise impedes the flow of pedestrian traffic.
  4. That blocks entrances or exits from buildings.
  5. That blocks a driveway or otherwise impedes the flow of vehicular traffic.
  6. Within 10 feet of any disabled parking space or access ramp.
  7. Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station.
  8. Within any service or fire drive of a parking lot.
  9. In a location that conflicts with any fire or safety code regulation.
- D. The Business License Administrator may impose conditions of approval on the permit that are necessary to comply with the requirements of the permit and this Chapter. In determining whether to grant or deny a permit, or in setting any conditions of approval, the Business License Administrator shall consider:
  1. The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks, and areas open to the public.
  2. Any documented history of problems with an applicant or event previously held.
  3. Suitability of the premises for the type of activity applied for.
  4. Compliance with all applicable local and state laws, codes and regulations, and the standards set forth in this Section and this Chapter.
- E. The conditions applicable to a permit may include the right of the city to inspect the premises. If the permittee fails, within the specified time, or if no time is specified, a reasonable time, to remedy any non-complying practice or defective condition identified as a result of any inspection, the permit shall be revoked, without refund.
- F. The Fire Marshal shall have the authority and discretion to set general policy for fire safety, including inspections, and to determine the specific fire safety requirements and require a fire safety inspection for any individual special event. Whenever, in the opinion of the Fire Marshal, it is necessary for public safety at a special event, the Fire Marshal may require the special event permittee to contract with the City for standby fire watch through the City's Fire Department. The permittee shall be responsible for paying the City's fee for such coverage and the permittee shall execute a contract for the services as a condition to receiving the special event permit.
- G. The Building Official shall have the authority and discretion to require structural inspections for any temporary structure.
- H. All permittees for use of City-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's tort liability limits established by the State of Oregon. The liability insurance shall apply to, and provide coverage for, all claims for bodily injury and property damage arising from or caused by the use for which the permit is granted and shall be primary coverage. In lieu of meeting the insurance requirements of this section, any governmental entity may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from the use.
- I. All permits shall include a condition of approval requiring the permittee to reimburse the City the costs incurred by the Police Department and Fire Department in responding to the special event. Payment must be made to the City within 30 days of the date of the City's invoice. In any action to collect unpaid balances, the City is entitled to collect its costs and attorney fees.

#### **5.04.100 – Mobile or Sidewalk Vendor Permit Requirements**

- A. Mobile or Sidewalk Vendors are not allowed in areas zoned for Residential Use unless a

neighborhood commercial area has been designated and at least one other commercial use has been authorized and permitted.

- B. No person may operate a Mobile or Sidewalk Vending unit within the City of Boardman without first procuring a business license pursuant to this Title as a person selling merchandise and/or service to the public.
- C. No person may be granted a City of Boardman Business License for a Mobile or Sidewalk Vendor without first obtaining a Mobile or Sidewalk Vendor Permit from the Business License Administrator. An application for the Mobile Vendor Permit must specify that the applicant is one of the following:
  - 1. Mobile Vendor
  - 2. Sidewalk Vendor
  - 3. Plaza Vendor
- D. Additional information provided as part of the application for a Mobile Vendor are as follows:
  - 1. Evidence of liability insurance.
  - 2. If a food vendor, evidence that the Morrow County Health Department or other applicable state or local agency has approved of the use.
  - 3. Drawings and/or photos of the proposed unit.
  - 4. List of all general items or categories the vendor proposed to offer.
  - 5. Specific location(s) for use of the permit.
  - 6. Authorization from the landowner(s) for placement of the mobile vending unit. Mobile vending units cannot be placed in public right-of-way. Sidewalk vending units can be placed on public streets through this permitting process.
- E. Vendor Plazas: The development of a Vendor Plaza will require review and approval through provisions within the Boardman Development Code.
- F. Mobile Vendor General Standards: All mobile vendors shall comply with the standards as established by this section.
  - 1. Operation of a mobile unit shall conform with all applicable laws and regulations, including zoning and land use requirements as established in the Boardman Development Code.
  - 2. 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 be located to not create a traffic or safety hazard.
  - 3. All mobile units which are parked in a stationary location for a period of 72 hours or longer shall provide screening for all conduit, tanks, and storage areas from all public areas and streets by sight-obscuring fencing and/or temporary landscaping and skirting shall be provided along the perimeter of the mobile unit.
  - 4. Mobile units are not permanent structures and must remain capable of easily being moved.
  - 5. Mobile unit operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within 20 feet of the mobile unit when conducting business. Trash cans or other trash containers shall be available for customer use.
  - 6. Mobile food units may only operate in zones where food services are allowed as a permitted use based on the Boardman Development Code.
  - 7. A mobile unit may only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met.
- G. Sidewalk Vendors: 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 Mobile Vendor permit.
- H. Mobile Vendor Location Additional Standards:

1. Subject to exception of Special Events as outlined in 05.040.090, a Mobile Vendor may only operate in an approved space where the off-street parking requirements for all uses or activities served by the off-street parking area are met. The location of a Mobile Vendor shall not result in the parking area being reduced to less than the minimum amount of required parking spaces for the existing business or shared businesses served by the parking lot.
2. The location standards of Subsection 1 do not apply to Mobile Vendors which operate as part of an approved community event or where a Mobile Vendor is allowed pursuant to a Special Event permit.

**5.04.110 – Application Review.**

The Business License Administrator may refer each application to the persons or departments designated by the Business 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.

**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.

**5.04.130 – Approval Process.**

- A. Approval of Application.
  1. The Business License Administrator shall issue a decision on an application for a license or permit within 30 days of the submission of a complete application and required fee upon a finding that the applicant has submitted all of the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local laws.
  2. The Business License Administrator shall issue a license or permit renewal upon finding that the applicant has submitted all of 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 Business 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 Business 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.

**5.04.140 – Denial, Suspension, or Revocation.**

- A. Denial, Suspension, or Revocation of Application. The Business 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 Business 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 5.04.150 of this Title. For suspensions or revocations, the notice shall be given at least 15 days before the action becomes effective. If the violation ends within 15 days, the Business 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 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 Business 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 5.04.150.

#### **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 Business License Administrator within 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 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.

**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.

**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.

Title 6 – ANIMAL CONTROL

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Chapter 6.04 - ANIMAL CONTROL

6.04.010 – Purpose.

The purpose of this Title is to establish regulations for the keeping of animals within the City of Boardman including standards and enforcement authority. Specific animals addressed within this Title are dogs and chickens.

6.04.~~010~~020 - Definitions.

As used in this chapter, except where the context indicates otherwise:

“Aggressive dog” means any dog that has been found to have engaged in any of the behaviors specified in BMC 6.04.~~060~~080(1)(a).

"Animal shelter" means facility designated or recognized by the city of Boardman for the purpose of impounding and caring for animals.

“At-Large” means that a dog is off or outside of the premises from which the keeper of the dog may lawfully exclude others, or is not in the company of and under the control of its keeper.

“Chicken” means the common domestic fowl or its young.

“Chicken run” means an outdoor enclosed or fenced area where chickens feed or exercise.

"City" means the city of Boardman, Oregon

“Coop” means a cage or roofed enclosure in which chickens are kept.

"Council" means the governing body of the city.

21 "Dangerous animal" means any animal, other than a dog, that constitutes a physical threat to human  
22 beings or domestic animals.

23 "Dangerous dog" means any dog that has been found to have engaged in any of the behaviors specified  
24 in BMC 6.04.~~060-080~~(1)(b).

25 "Dog run" means a secured structure not less than twelve (12) feet by five feet in size with a concrete  
26 floor, fencing surrounding and secured into the concrete and over the top of the enclosure, lockable  
27 gate and provisions for maintaining the animal in a humane manner.

28 "Euthanized" means put to death in a humane manner by a licensed veterinarian or certified euthanasia  
29 technician.

30 "Exotic animal" means any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to  
31 Oregon, except the species *Felis catus* (domestic cat); any monkey, ape, gorilla or other nonhuman  
32 primate; any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic  
33 dog); any bear except the black bear (*Ursus americanus*); any venomous or poisonous reptile, any reptile  
34 of the order Crocodylia (crocodiles, alligators and caimans), or any snake of the family Pythonidae or  
35 Boinae capable of obtaining eight feet or more in length.

36 "Hen" means a female adult chicken.

37 "Kennel" means an establishment kept for the purpose of breeding, selling or boarding dogs or engaged  
38 in training dogs.

39 "Licensing authority" means the agency or department of the city of Boardman or any designated  
40 representative thereof charged with administering the issuance and/or revocation of permits and  
41 licenses under the provisions of this chapter.

42 “Livestock” includes, but is not limited to, any horse, mule, burro, llama, cow, goat, sheep, swine, or  
43 poultry such as roosters, chickens, geese, turkeys, or other domestic fowl, regardless of age.

44 “Minimum care” means care sufficient to preserve the health and well-being of an animal and, except  
45 for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not  
46 limited to, the following requirements:

- 47 a. Food of sufficient quantity and quality to allow for normal growth or maintenance of body  
48 weight.
- 49 b. Open or adequate access to potable water in sufficient quantity to satisfy the animal’s needs.  
50 Access to snow or ice is not adequate access to potable water.
- 51 c. For a domestic animal other than a dog engaged in herding or protecting livestock, access to  
52 adequate shelter.
- 53 d. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from  
54 injury, neglect or disease.
- 55 e. Domestic animal shall not be confined to an area without adequate space for exercise necessary  
56 for the health of the animal or which does not allow access to a dry place for the animal to rest.  
57 The air temperature in a confinement area must be suitable for the animal involved.  
58 Confinement areas must be kept reasonably clean and free from excess waste or other  
59 contaminants which could affect the animal’s health.

60 "Neutered" or "Spayed" means rendered permanently incapable of reproduction.

61 “Officer” means any person employed by the city of Boardman as a Police Officer, Code Compliance  
62 Officer, or Animal Control Officer.

63 “Owner” or “Keeper” means any person, firm, association or corporation that owns, possesses, controls  
64 or otherwise has charge of a dog.

65 “Pet” or “domestic animal” means an animal, other than livestock or equines, that is owned or  
66 possessed by a person, that lives and breeds in a tame condition and can be handled by an owner to the  
67 extent that minimum care is provided.

68 “Physical control device” means a sufficiently strong collar connected to a leash or tether made of chain  
69 links, or other material as strong, or fenced or enclosed in a structure so as to prevent the escape of an  
70 animal by breaking of the device.

71 “Physical injury” means impairment of physical condition or substantial pain.

72 “Possess” means to have physical possession or otherwise to exercise dominion or control over  
73 property. The act of providing food and water for feral animals is not sufficient grounds to claim  
74 possessory right.

75 "Public nuisance" means a dog is a public nuisance if it:

- 76 1. Bites a person;
- 77 2. Chases or menaces persons or chases vehicles on premises other than premises occupied  
78 exclusively by the keeper of the dog;
- 79 3. Damages or destroys property of persons other than the keeper of the dog;
- 80 4. Scatters garbage on premises other than premises occupied exclusively by the keeper of the  
81 dog;
- 82 5. Trespasses on private property of persons other than the keeper of the dog;
- 83 6. Disturbs any person by frequent or prolonged noises;
- 84 7. Is a female in heat and running at large; or
- 85 8. Injures or kills a domestic animal.

86 "Restraint" means a dog will be considered under "restraint" if it is within the real property limits of the  
87 keeper of the dog and is under control of a responsible person, or it is contained with a fence that  
88 maintains control of the animal. While off of the property of the keeper of the dog, the animal must be  
89 on a leash or lead under control of a responsible person or be contained within a portable kennel. If the  
90 dog has been determined, by the city, to be a dangerous or aggressive dog, consistent with the  
91 definitions of this chapter, restraint shall mean contained by means of city approved kennel or dog run,  
92 chained and muzzled, securely fenced and muzzled, inside of a secure structure, or leashed and muzzled  
93 when off the premises of the premises occupied by the keeper of the dog.

94 "Rooster" means a male adult chicken.

95 "Serious physical injury" means physical injury, which creates a substantial risk of death or that causes  
96 protracted disfigurement, protracted impairment of health or protracted loss or impairment of the  
97 function of a limb or bodily organ.

98 "Tethering" means to restrain a domestic animal by tying the domestic animal to any object or structure  
99 by any means. Tethering does not include using a handheld leash for the purpose of walking a domestic  
100 animal.

101 "Wildlife" means any undomesticated wild mammal or reptile that is wild by nature.

102 6.04.029-030 - Licensing and rabies vaccinations for dogs.

- 103 A. No person shall own, keep, or harbor any unvaccinated or unlicensed dog over six months of age  
104 within the city unless a licensed veterinary doctor provides written documentation stating  
105 reasons the doctor will not vaccinate the dog. In no instance will an unvaccinated or unlicensed  
106 dog over one year of age be allowed within the city. The provisions of this section do not apply

- 107 to animals owned by a licensed research facility or held in a veterinary medical facility or  
108 government operated or licensed animal shelter.
- 109 B. All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the  
110 latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization  
111 published by the National Association of State Public Health Veterinarians.
- 112 C. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form  
113 recommended by the Compendium. Each keeper of a dog shall also receive a durable  
114 vaccination tag indicating the year in which it was issued.
- 115 D. 1. Application for a license must be made within thirty (30) days after obtaining a dog over six  
116 months of age, except that this requirement will not apply to a nonresident keeping a  
117 vaccinated dog within the city of Boardman for no longer than sixty (60) days.
- 118 2. Application for a dog license can be made to the city on the city of Boardman dog license  
119 application form online via Citizenseve, which includes the name, address, phone and other  
120 contact information of the keeper of the dog and the name, breed, color, age, sex and history of  
121 the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current  
122 rabies vaccination.
- 123 E. The standard licensing period shall be for two years. License renewal may be applied for within  
124 sixty (60) days prior to the expiration date. New residents must apply for a license within thirty  
125 (30) days of establishing residence.
- 126 F. A dog determined, by the city or designee, to be a dangerous or aggressive dog as defined by  
127 Section 6.04.010 of the Boardman Municipal Code shall have a licensing period of six months.  
128 Proof of liability insurance or a bond in the amount of ten thousand dollars (\$10,000.00)  
129 covering the actions of the dog is required for the length of the licensing period. Failure to  
130 renew the license for a dangerous or aggressive dog will be a violation of this code and the

131 keeper of the dog can be issued a citation with penalties which can include humane euthanizing  
132 of the dog.

133 G. Upon acceptance of the license application and fee, the city shall issue a durable license tag  
134 including an identifying number. Both rabies and license tags must be attached to the collar of  
135 the dog. Tags must be worn at all times and are not transferable. The city shall maintain a record  
136 of all licenses issued.

137 H. A license shall be issued after payment of a fee in an amount established by resolution of the  
138 city council. Persons who fail to obtain a license as required within the time period specified will  
139 be subjected to a delinquent fee.

140 I. The city may revoke any license if the person holding the license refuses or fails to comply with  
141 this chapter, the regulations promulgated by the city or any other law governing the protection  
142 and keeping of animals.

143 J. If any applicant is shown to have withheld or falsified any material information on the  
144 application, the city may refuse to issue or may revoke a license. The city will attempt to notify  
145 the respective license holder by certified mail within ten (10) working days after refusing to  
146 issue a license, or revoking any license previously issued.

147 6.04.030-040 Standards for Chickens in Residential use zones.

148 The keeping and raising of chickens shall be allowed on properties zoned Residential subject to the  
149 following conditions and limitations:

150 A. A permit shall be obtained from the City prior to the keeping of chickens. Property renters must  
151 obtain written approval from the property owner to apply for a permit. Review of the permit  
152 for the approval of chickens will incorporate a land use review to assure that the proposal is  
153 consistent with the Boardman Development Code. Depending on the size and configuration of  
154 the proposed coop and run additional Planning or Building review may be required.



155 B. Hens are allowed only in a fully fenced rear yard and shall be always confined within a coop,  
156 pen, or chicken run, except when under the direct personal supervision of an owner or  
157 custodian.

158 C. Roosters are prohibited.

159 D. A coop shall not exceed 80 square feet in area and will not exceed 8 feet in height. It shall be  
160 set back at least three feet from any building on the subject property and 10 feet from all  
161 neighboring property lines.

162 E. Chicken runs shall have a minimum of six square feet of run space per hen and shall meet the  
163 same setbacks as stated in D above.

164 F. Coops and runs shall be kept clean, free of vermin, and in good condition. Coops shall be kept  
165 dry. Noticeable odors will be found to be a nuisance.

166 G. The maximum number of hens allowed shall be six based on the available space and the size of  
167 the chicken run and coop. The number of hens allowed shall be based on the size of the  
168 proposed coop and run.

169 H. The raising of chickens is for the personal use of the owner and the selling of eggs, poultry  
170 breeding, or fertilizer production is prohibited.

171 I. Poultry may not be slaughtered or killed except pursuant to the lawful order of state or county  
172 health officials, or for the purpose of euthanasia.

173 6.04.050 - Disease control

174 A. No owner shall permit any animal or bird that is afflicted with a communicable disease to come  
175 in contact with another animal, bird, or human that is susceptible to the affliction.

176 B. No owner shall permit the body of an animal to remain upon the public streets or private  
177 property for a period of time longer than is reasonably necessary to remove such carcass.

- 178 C. Any owner or person having custody or control of an animal shall immediately remove  
179 excrement or other solid waste deposited by the animal on public or private property. Nothing  
180 in this chapter authorizes a trespass by an animal or its owner onto private property of another  
181 or the creation of an unsanitary condition on private property of another or on public property.  
182 Excrement shall be removed from primary enclosures and areas as often as necessary to prevent  
183 contamination, reduce disease hazards and minimize odors.
- 184 D. No owner shall cause or allow any place or location where an animal is or may be kept, to  
185 become unclean or unwholesome. Storage of food supplies and bedding materials shall be  
186 designed to prevent vermin infestation.
- 187 E. An animal that is placed under quarantine by the city shall be kept separated from any other  
188 animals or people other than the owner's family or pets for a period of not less than 10 days.
- 189 F. Whenever any animal bites a person, the owner of said animal shall immediately notify Animal  
190 Control. Animal Control shall order the animal held on the owner's premises or shall have it  
191 impounded for a period of not less than 10 days if it has been determined that there is no proof  
192 of proper rabies inoculation which is current.
- 193 G. No person shall own, keep, or harbor any dog over six months of age unless the dog is  
194 vaccinated for rabies.

195 6.04.040-060 - Owner responsibility.

- 196 A. All dogs shall be kept under restraint as defined in this chapter.
- 197 B. Every dog determined by the city to be a dangerous or aggressive dog shall be confined by the  
198 keeper of the dog, within a secure building, secure kennel or dog run. Whenever off the  
199 premises, the dog shall be securely muzzled and leashed or muzzled and caged.
- 200 C. No dog shall be allowed to cause a public nuisance. The keeper of every dog shall be held  
201 responsible for every behavior of such dog under the provisions of this chapter.

- 202 D. Any person responsible for any dog, shall remove excrement deposited by the dog:
  - 203 1. In any public area not specifically designated to receive those wastes, including, but not
  - 204 limited to, streets, sidewalks, parking strips, city parks, trails or pathways paralleling
  - 205 swales, ditches, culverts or other similar facilities operated by the city; or
  - 206 2. On any private property, other than property owned by or controlled by the owner or
  - 207 keeper of the dog, without prior permission by any other property owner where said
  - 208 excrement is deposited by the dog.
  
- 209 E. A person commits the offense of unlawful tethering if the person tethers a domestic animal in
- 210 the person’s custody or control:
  - 211 1. With a tether that is not reasonable length given the size of the domestic animal and
  - 212 available space that allows the domestic animal to become entangled in a manner that
  - 213 risks the health or safety of the domestic animal;
  - 214 2. With a collar that pinches or chokes the domestic animal when pulled;
  - 215 3. For more than 10 hours in a 24-hour period; or
  - 216 4. For more than 15 hours in a 24-hour period if the tether is attached to a running line,
  - 217 pulley or trolley system.

218 6.04.~~050~~070 – Animal restrictions and prohibitions

- 219 A. Exotic Animals. No person shall possess, maintain, or keep any exotic animal in the city limits.
- 220 B. Livestock. No person shall possess, maintain, or keep any livestock in the city limits with the
- 221 exception of those outlined within this Title.
- 222 C. Wildlife. No person shall possess, maintain, or keep any wildlife in the city limits.
- 223 D. Dangerous Animals. No person shall possess, maintain, or keep any dangerous animals inside
- 224 city limits.

225 6.04.~~060-080~~– Dangerous or aggressive dog

226 1. Classification of Levels of Dangerousness of Dogs.

227 A. A dog shall be classified as aggressive if it bites, causes physical injury, or otherwise threatens or  
228 endangers the safety of any person or domestic animal while:

229 1. It is at-large;

230 2. It is off the property of the owner and on a physical control device;

231 3. It is on the property of the owner but not restrained or contained in a manner that  
232 would reasonably prevent incidental contact by any person; or

233 4. It is in or on a motor vehicle and not restrained or otherwise physically prevented from  
234 reaching any area outside the perimeter of the vehicle.

235 B. A dog shall be classified as dangerous if:

236 1. It causes the serious physical injury or death of any person;

237 2. While at-large or off the property of the owner it kills any domestic animal; or

238 3. Causes physical injury to any person after the owner has received notice of the  
239 aggressive dog classification because of causing physical injury to a person.

240 C. A dog shall not be classified as dangerous or aggressive, even if the dog has engaged in these  
241 behaviors, upon a determination that the behavior was caused by abuse or torment of the dog,  
242 or criminal activity on the part of any victim.

243 D. No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement  
244 purposes and is on duty under the control of an officer.

245 2. Identification of Dangerous or Aggressive Dogs – Appeals – Restrictions Pending Appeal.

246 A. An officer shall determine whether any dog has engaged in the behaviors specified in  
247 subsection 1 of this section. The determination shall be based upon an investigation that  
248 includes observation of the dog’s behavior by an officer, or by other witnesses who personally  
249 observed the behavior. Observations must be in writing attesting to the observed behavior.

250 B. The officer shall give the dog’s owner written notice by certified mail or personal service that  
251 includes;

- 252 1. the dog’s specific behavior;
- 253 2. the dog’s classification as a dangerous or aggressive dog; and
- 254 3. additional restrictions applicable because of the dog’s classification.
- 255 4. The owner may appeal the officer’s decision to the City Clerk by filing within 10 days  
256 of the date the notice was mailed or the owner was personally served, a written  
257 request for a hearing with the city council.

258 3. Regulation of Aggressive Dogs. In addition to complying with all other requirements of this section,  
259 the owner of an aggressive dog shall comply with the following by:

- 260 A. Restraining the dog to prevent it from interfering with the public’s legal access to the owner’s  
261 property or from reaching any public sidewalk or road or adjoining property;
- 262 B. Notifying the city where the dog is kept and renotify within 10 days of any change; and
- 263 C. Posting warning signs in a conspicuous place visible from the public sidewalk, the road  
264 adjoining the property, or the boundary line of the property where access is provided to the  
265 property.
- 266 D. The requirements of this section shall apply to any person who is transferred ownership or who  
267 keeps an aggressive dog within city limits.

268 4. Euthanasia for Dangerous Dogs. Any dangerous dog causing serious physical injury to a person shall  
269 be euthanized. The court may order that any dangerous dog be euthanized in addition to penalties for  
270 separate chapter violations.

271 5. Dog Owner Regulations. It is unlawful for any person to:

272 A. Be an owner of a dangerous dog;

273 B. Fail to comply with the requirements applicable to aggressive dogs.

274 6.04.070-090 Declassification of aggressive dogs.

275 1. An owner or keeper of an aggressive dog may file a petition with the City Clerk requesting an order  
276 declassifying a dog as aggressive if the following conditions have been met:

277 A. The dog has been classified for one year without further incident; and

278 B. There have been no violations of the Animal Control regulations; and

279 C. All other conditions ordered at the time of classification have been met.

280 2. The City Clerk shall forward such petition to an officer who may condition declassification on the  
281 following provisions:

282 A. The owner or keeper provides the officer with written certification of satisfactory completion of  
283 obedience training for the dog classified;

284 B. The officer may require the dog owner or keeper to provide written verification that the  
285 classified dog has been spayed or neutered.

286 C. If the request is denied. The owner may appeal the officer's decision to the City Clerk, by filling  
287 within 10 days of the date the notice was mailed or the owner was personally served, a written  
288 request for a hearing with the city council.

289 6.04.~~080~~100 - Impoundment.

- 290 A. A dog found running at large may be impounded by the city, and restrained in the city's
- 291 designated animal shelter. Within a reasonable time following the impounding of a dog, the city
- 292 shall make every reasonable effort to notify the keeper of the dog and inform the keeper of the
- 293 dog of the conditions for release of the animal. Any animal not claimed by the keeper of the dog
- 294 within a period of five full days in which the shelter is open to the public shall become the
- 295 property of the city.
- 296 B. In the event that the city finds dogs to be suffering, it shall have the right forthwith to remove or
- 297 cause to have removed any such animals to a safe place for care at the expense of the keeper of
- 298 the dog or to euthanize them, at the expense of the keeper of the dog, when necessary to
- 299 prevent further suffering. Return to the keeper of the dog may be withheld until the keeper of
- 300 the dog shall have made full payment for all expenses so incurred.
- 301 C. In the event the city determines a dog to be a dangerous or aggressive dog as defined in this
- 302 chapter, the city may impound the dog from the premises of the keeper of the dog to prevent
- 303 further attacks on domestic animals or humans.
- 304 D. Disposal of an animal by any method specified herein does not relieve the keeper of the dog of
- 305 liability for violations and any accrued charges.

306 6.04.~~090~~110 - Redemption.

- 307 A. Any animal impounded may be redeemed by the keeper of the dog thereof within five days of
- 308 impounding upon payment of an impoundment fee.
- 309 B. Any animal confined for rabies quarantine, evidence, dangerous or aggressive dog as defined in
- 310 this chapter, or other purpose may be redeemed by the keeper of the dog, after release is

311 authorized by the investigating officer, upon payment of an impoundment fee, which may  
312 include all associated costs at the impoundment or veterinary facility.

313 C. No animal required to be licensed or vaccinated under this chapter may be redeemed until the  
314 animal has been vaccinated and the appropriate license has been issued by the city.

315 6.04.~~100-120~~ - Interference.

316 A. A person commits the crime of interfering with an officer if the person, knowing that another  
317 person is an officer as defined in this chapter.

318 1. Intentionally acts in a manner that prevents, or attempts to prevent, the officer from  
319 performing the lawful duties of the officer with regards to another person; or

320 2. Refuses to obey a lawful order by the officer.

321 Interfering with an officer shall be punishable as a Class A misdemeanor as defined by Oregon  
322 Revised Statutes.

323 6.04.~~110-130~~ Penalties.

324 Any person violating any of the provisions of this chapter is liable for a citation for a Class B Violation  
325 consistent with Boardman Municipal Code Chapter 1.16