

ORDINANCE NO. 1993

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTERS 1.01, CODE ADOPTION, AND 1.04, GENERAL PROVISIONS**

**WHEREAS**, the City is preparing a republication of its Municipal Code incorporating all general ordinances; and

**WHEREAS**, it includes general provisions for interpretation of the Code originally adopted by Ordinance 1591 on March 18, 1986; and

**WHEREAS**, it has been determined certain sections of Ordinance 1591 have become obsolete or are otherwise outdated;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Section 1.01.050, Copies on File, is amended to read as follows:

1.01.050     Copies on File. Copies of this code will be maintained in all City facilities and copies available for public inspection will be maintained at the Ledding Library, the Office of the City Recorder, and on the City website.

Section 2. Section 1.01.060, Ordinances Passed Prior to Code Adoption, is amended to read as follows:

1.01.060     Ordinances Passed Prior to Code Adoption. All ordinances passed after adoption of this code that amend the code or that have general and permanent effect shall be incorporated into this code. The City Recorder shall determine whether an ordinance is one that has general and permanent effect.

Section 3. Section 1.04.010, Definitions, is amended to read as follows:

1.04.010     Definitions

The following words and phrases, whenever used in the ordinances of the city shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

- A. "City" means the City of Milwaukie, Oregon.
- B. "Council" means the City Council of the City. "All its members" or "all Councilors" means the total number of Councilors holding office.
- C. "County" means the county of Clackamas.
- D. "Day" means calendar day.

E. "Law" denotes applicable federal law, the Constitution and statutes of the State of Oregon, the ordinances of the City of Milwaukie, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

F. "May" is permissive.

G. "Month" means a calendar month.

H. "Must" and "shall" are each mandatory.

I. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenants, tenant by the entirety, of the whole or part of such building or land.

J. "Person" means a human being or any corporation, company, partnership, government entity, or association.

K. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.

L. "Property" means and includes real and personal property.

M. "Real property" includes lands, tenements, and hereditaments.

N. "Right-of-way" is an area dedicated to the public for vehicular and/or pedestrian and/or bike travel.

O. "Sidewalk" is the improved surface intended for pedestrian use in or near a right-of-way and roughly parallel to a street within the right-of-way.

P. "Street" is the portion of any right-of-way intended for use for vehicular traffic.

Q. "Tenant" and "occupant" applied to a building or land include any person who occupies the whole or a part of such building or land whether alone or with others.

R. "Written" means and includes printed or machine readable form.

S. "Year" means calendar year.

Section 4. Section 1.04.020, Title of Office, is amended to read as follows:

Section 1.04.020, Title of Office. Use of the title of any officer, employee, department, board, commission, or committee mean that officer, employee, department, board, commission, or committee of the City.

Section 5. Section 1.04.050, Acts by Agents, is deleted.

Section 6. Section 1.04.060, Prohibited Acts Include Causing and Permitting, is amended to read:

Section 1.04.060, Responsibility to Prevent Code Violations on Properties. It is a violation of this code to cause, authorize, aid, abet, or intentionally conceal a violation of this code.

Read the first time on 3-17-09, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 2-17-09

Signed by the Mayor on 2-17-09

  
\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

  
\_\_\_\_\_  
Pat DuVal, City Recorder

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

  
\_\_\_\_\_  
City Attorney