

# Council Communication

## August 1, 2016, Study Session

---

### Council Discussion of Potential Updates to Ashland Municipal Code

---

**FROM:**

Dave Lohman, City Attorney, david.lohman@ashland.or.us

**SUMMARY**

This agenda item is to seek Council direction on priorities for addressing possible code updates at future Council meetings and the remainder of the current fiscal year (FY 2017).

**BACKGROUND AND POLICY IMPLICATIONS**

Implementation of City code provisions over time inevitably brings to light gaps, unintended consequences and anachronisms. The deficiencies typically are not urgent problems; many of them go unaddressed without consequence for months or years, sitting quietly on “To Do” lists in staff files.

Potential code updates identified by the City Attorney are shown in the three lists below. These candidates for updating are proposed for Council consideration as time permits on the bi-monthly Council agendas.

The goal of the discussion at the August 1 Study Session is to determine what additions and deletions should be made to the three lists and to seek consensus on scheduling priorities for the items on the resulting modified lists.

The first list consists of “Corrective Updates”, which are minor, non-substantive, presumably noncontroversial corrections, clarifications, and terminology changes. With Council consent, staff would bring these “housekeeping” code amendments forward for Council consideration in a single, multi-provision agenda item.

- In AMC 2.28.045, change reference to “City Surveyor” to “a surveyor approved by the City Administrator”.
- Change poorly worded penalty provisions in multiple ordinances so as to make clear that failure to obtain City approval is a violation. Example: Current conclusion to 11.40.010 (Parade Permit Required) says “Parade permit required is a Class IV violation”; it should say “Failure to obtain a parade permit as required in this section is a Class IV violation.”
- In AMC 2.54.020J, change definition of “Surplus Property” from “sale” to “disposal” to make it possible to give away surplus property without conducting a sale when the City administrator determines conducting a sale of the surplus property would cost more than the likely proceeds.
- In AMC 10.96.020, change possible penalty fixed by the court from “confinement in the city jail” to “confinement in jail”.



- Correct misuse of the term “misdemeanor” for noncompliance with ordinances where “violation” is the accurate term.

The second list consists of “Non-Policy Updates”, which are nontrivial but presumably noncontroversial clarifications and refinements intended to improve efficiency or reduce uncertainty without changing policy. If Council agrees, items from this list would be presented to Council as individual agenda items over the next 12 months.

- In AMC 14.02.040D and AMC 14.02.100, bring provisions on termination of electric service into line with current statutes and practices.
- Establish policy for reimbursement to the City when a new APD recruit completes training and shortly thereafter accepts employment elsewhere.
- Amend AMC 6.32 (Liquor License Review) to make clear APD may review renewal applications and proposed changes in ownership or location.
- Clarify ethics code, AMC 3.08.020, applies to advisory bodies.
- Modify AMC 1.04W to make clear that applicants for electric utility service may substitute electronic checkbox for actual, “wet” signature.
- Clarify AMC 4.24.030D Exemption for the Transient Occupancy Tax for breakfasts applies to hotels/motels as well as Bed and Breakfast establishments.
- Provide a definition of “media” for purposes of executive sessions.
- Modify public contracting ordinance, AMC 2.50, to reflect statutory changes allowing Qualification Based Selection (“QBS”) procurement for public improvement contracts.
- Clarify that only the City Council or the City Attorney can determine when outside legal counsel is to be hired on contract. AMC 2.28.250.
- Clarify business licensing requirements and update terminology. AMC 6.04.

The third list consists of “Policy Updates”, which are substantive revisions to update policies in light of experience since the provisions were adopted. Items from this list would be presented to Council as individual agenda items as time permits over the next 12 months. Given the number of listed items and the many other urgent matters to consider over the next twelve months, staff seeks guidance from the Council to select and prioritize the listed items for consideration.

- Clarify application of sign code to wall graphics, including wall graphics to be included in Public Art Collection.
- Clarify roles of Public Arts Commission and Historic Commission with respect to proposed public art in historic districts.
- Clarify items to which the Food and Beverage tax applies. AMC 4.34.020.
- Clarify when City may allow sewer connection for properties outside city limits. AMC 14.08.
- Consider changes to taxicab requirements to take into account recent industry changes, including Uber-like service. AMC 6.28.
- Update exemptions from formal competitive selection procedures in public contracting. AMC 2.50.090.
- Adopt Uniform Abatement of Dangerous Buildings Code.
- Delegate to City Administrator authority to approve IGA renewals in which payment by the City would increase no more than 25%. AMC 2.28.045B.2).



- Consider revising ordinance describing duties of City Recorder. AMC 2.08.
- Clarify powers of City Administrator in the period between the City Administrator's declaration that a state of emergency exists and the Council's ratification of the declaration. AMC 2.62.040 and 262.050.
- Establish criteria for tree removals.
- Prohibit weapons in municipal court.
- Possible enactment of some version of "block rule" in parking ordinance.
- Establish protocol and authority to sign and accept documents by electronic signatures.
- Modify and improve the uniform appeal process in AMC 2.30 and consider revising or eliminating nonconforming appeal processes in various separate ordinances.
- Simplify the noise ordinance. AMC 9.08.170.

**COUNCIL GOALS SUPPORTED:**

N/A

**FISCAL IMPLICATIONS:**

N/A

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Staff seeks Council guidance on ordinance updates to be presented for Council consideration and scheduling priorities.

**SUGGESTED MOTION:**

N/A

**ATTACHMENTS:**

None

