

Chapter 2.28

ADMINISTRATIVE AND OPERATING DEPARTMENTS

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2.28.010 Administrative and Operating Departments - Title

This chapter shall be known as “the organization ordinance”, and shall be referred to as such. (Ord. 1399 § 34, amended, 1965)

2.28.020 City Manager – Executive Department Created

An Executive Department of the City is created, under the direct control and supervision of the City Manager, and shall consist of the City Manager, the employees provided for by the position classification plan or a position ordinance, and such other employees as the City Manager may assign to said Executive Department. (Ord. 3192 § 8, amended, 11/17/2020; Ord. 1399 § 1, amended, 1965)

2.28.030 City Manager – Duties – Generally

The City Manager shall have the duties, responsibilities, authorities, and jurisdictions provided by the City Charter, the ordinances and resolutions adopted by the Council, and the laws of the State wherein they relate to the administration of the City. The City Manager is the chief executive and administrative head of the City and is hereby empowered to make such rules and regulations for the conduct of the various departments of the City as may be deemed necessary from time to time. (Ord. 3192 § 9, amended, 11/17/2020; Ord. 1399 § 2, amended, 1965)

2.28.040 City Manager – Administrative Responsibilities

The City Manager shall have responsibility for the general administrative coordination of all City departments except for those officers and employees of the Ashland Parks and Recreation Department. The City Manager, or the appropriate Department Head, may directly appoint or dismiss any subordinate employee. (Ord. 3192 § 10, amended, 11/17/2020; Ord. 2826 § 1, amended, 1998; Ord. 1399 § 3, amended, 1965)

2.28.045 City Manager – Delegated Duties

A. *Acceptance of Real Property, or Interest Therein.* Except when a public hearing before the governing body is required by state or local law, the City Council hereby authorizes and delegates to the City Manager the authority to indicate, for purposes of recording in Official Deed records, the City of Ashland’s acceptance of real property title or an interest in real property pursuant to ORS [93.808](#). The City Manager may execute an instrument conveying fee title to the City or conveying any interest in real property to the City, after approval of the form by the City Attorney and approval of the description of the property by the City Surveyor. City acceptance shall be in substantially the following form:

CITY ACCEPTANCE ([93.808](#)):

City of Ashland, Grantee

By: _____

City Manager

City of Ashland, Oregon

State of Oregon)

) ss. _____, 20 __

Jackson County)

The foregoing instrument was acknowledged before me this _____ day of 20____, by _____, as City Manager of the City of Ashland.

Notary Public for Oregon

My commission expires: _____

B. *Renewal of Intergovernmental Agreements.* The City Council hereby delegates its authority to renew intergovernmental agreements to the City Manager when:

1. State or local law does not require a public hearing before the governing body; and
2. The terms of the intergovernmental agreement will be modified in accordance with the initial agreement, or the annual costs to the City will not be more than twenty-five percent (25%) greater than those in the initial agreement, and all other terms will remain the same; and
3. The renewal is approved by the City Attorney and the Department Head that is affected by the renewal.

C. *Execute Real Property Leases.* The City Council hereby delegates its authority to enter into month to month leases of real property to the City Manager including, but not limited to, airport hangar leases, provided the written agreement entering into the lease of real property is approved by the City Attorney and the Department Head that is affected by the agreement. The City Council retains its authority to enter into all other real property leases of any duration.

D. *Waiver of Penalties and Interest for Late Tax Payments.* The City Council hereby delegates its authority to waive penalties and interest for certain late tax payments to the City Manager under the following circumstances:

1. The waiver of penalties and interest concerns either a tax owed under AMC Chapter [4.24](#) (Transient Occupancy Tax) or under AMC Chapter [4.34](#) (Food and Beverage Tax); and
2. The operator submits a report that is complete and paid in full no more than seventy-two (72) hours or three (3) work days delinquent, whichever is longer; and
3. The operator has reported and paid all monies (including food and beverage and transient occupancy tax) due to the City on or before the due date for each reporting period for each of the prior twenty-four (24) consecutive months or eight (8) consecutive quarters; and
4. The operator has not been the subject of a food and beverage tax or transient occupancy tax audit where the City found the operator's record keeping, reporting or remitting deficient, during the prior twenty-four (24) consecutive months or eight (8) consecutive quarters; and
5. The written order granting the waiver is approved by the City Attorney and the Department Head that is affected by the order.

E. The City Manager shall biannually report to the City Council on the matters executed pursuant to this chapter. (Ord. 3192 § 11, amended, 11/17/2020; Ord. 3136, amended, 2017; Ord. 2982, amended, 05/05/2009; Ord. 2961, added, 07/01/2008)

2.28.060 Cemetery Department – Created

A Cemetery Department is hereby created which is under the direction of the Director of Public Works, and consists of such employees authorized by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 12, amended, 11/17/2020; Ord. 2251 § 1, amended, 1983; Ord. 1399 § 5, amended, 1965)

2.28.070 Cemetery Department - Functions

The functions of the Cemetery Department are the sale or other disposition of places of burial under control of said Department; the maintenance and care of all cemetery grounds, equipment, mausoleums and structures; the preparation and maintenance of accurate records of all burials; and the disposition of human remains in the manner provided by State law. (Ord. 2251 § 2, amended, 1983; Ord. 1399 § 6, amended, 1965)

2.28.080 Electric Department – Created

An Electric Department is hereby created which is under the direction of the Director of the Electric Department, and consists of such employees authorized by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 13, amended, 11/17/2020; Ord. 2251 § 4, amended, 1983; Ord. 1399 § 7, amended, 1965)

2.28.090 Electric Department – Director

The Director of the Electric Department, subject to the approval of the City Manager and City Council, shall organize and maintain such divisions in said Department as the operation may, in the judgment of the Director, require. The Director of the Electric Department shall be responsible for the general supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department. (Ord. 3192 § 14, amended, 11/17/2020; Ord. 1399 § 8, amended, 1965)

2.28.100 Electric Utilities Department - Functions

The functions of the Electric Utilities Department are the construction, operation, and maintenance of the electric distribution system; the installation of all new lines, services and meters; the maintenance of the hydro-generation plant; the preparation and submission of proposed work programs including estimates of cost; and the installation, maintenance and operation of all electrical equipment and facilities of the City. (Ord. 3100, amended, 2014; Ord. 2251 § 5, amended, 1983; Ord. 1399 § 9, amended, 1965)

2.28.110 Finance Department – Created (Editorially altered per request of the City Attorney dated 9/5/73 (Exhibit D); prior ordinance history: Ordinance 1399 §10, §11 and §12)

A Finance Department is hereby created which is under the direction of the Director of Finance, and consists of such employees authorized by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 15, amended, 11/17/2020; Ord. 2259 § 1, amended, 1983; Ord. 1399 § 10, amended, 1965)

2.28.120 Finance Department – Director – Duties

The Director of Finance, subject to the approval of the City Manager and City Council, shall organize and maintain such divisions in said Department as the operation may, in the judgment of the Director, require. The Director of Finance shall be responsible for the general supervision and control of all divisions of said Department and for the

performance of the functions herein assigned to said Department. (Ord. 3192 § 16, amended, 11/17/2020; Ord. 2259 § 2, amended, 1983; Ord. 1399 § 11, amended, 1965)

2.28.130 Finance Department – Functions

The functions of the Finance Department are:

- A. The administration and collection of various City taxes, licenses, and permits and the administration of ordinances and state laws applicable thereto;
- B. The receipt and safekeeping of all City money, which includes, but is not limited to, maintaining daily and monthly bank account balances and record and bank monies received by the City;
- C. Redeem bonds, coupons and warrants, maintain bond registers;
- D. Secure signed Bancroft bonding applications;
- E. Receive property taxes paid over by the County;
- F. Receive State shared revenues, and local taxes, to include, but not limited to, food and beverage tax and marijuana tax;
- G. Allocate property tax receipts;
- H. Maintain docket of water and sewer connect fees;
- I. Issue checks and warrants necessary to pay valid claims on the City Treasury;
- J. Preparation and control of the City budget;
- K. Procurement of materials, supplies, equipment and services for all departments;
- L. Receipt, storage and issuance of supplies, materials and equipment;
- M. The disposal of surplus property;
- N. Fiscal and property accounting for all departments;
- O. Data processing; financial estimating, planning and programming;
- P. Billing and collecting;
- Q. Purchase investment securities and investment of temporarily idle funds in cooperation with the City Recorder;
- R. Dispatching of utility connect and disconnect orders;
- S. Risk management and insurance administration;

T. The performance of all duties prescribed by the City Charter and ordinances and the laws of the State for those officers and officials included in the Finance Department; and

U. The performance of such other functions as may be assigned by the City Administrator or prescribed by the City Council. (Ord. 3149 § 1, amended, 12/19/2017; Ord. 3100, amended, 2014; Ord. 2826 § 2, amended, 1998; Ord. 2551 § 6, amended, 1983; Ord. 2259 § 3, amended, 1983; Ord. 1399 § 12, amended, 1965)

2.28.140 Fire Department – Created

A Fire Department is hereby created which is under the direction of the Fire Chief, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 17, amended, 11/17/2020; Ord. 2265 § 1, amended, 1983; Ord. 1399 § 13, amended, 1965)

2.28.150 Fire Chief – Duties

The Fire Chief, subject to the approval of the City Manager and City Council, shall organize and maintain such divisions in said Department as the operations may, in the judgment of the Fire Chief, require. The Fire Chief shall be responsible for the supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department. The Fire Chief shall have control and management of all officers, members, equipment, and functions of the Fire Department. The Fire Chief shall have authority to adopt rules and regulations for the administration, discipline, equipment, and uniforms of members and officers of the Department, fixing the powers and duties and prescribing penalties for violations of any such rules and regulations and providing for their enforcement. (Ord. 3192 § 18, amended, 11/17/2020; Ord. 1399 § 14, amended, 1965)

2.28.160 Fire Department – Functions

The functions of the Fire Department are the prevention and extinguishment of fires; the enforcement of all laws and ordinances relating to the prevention and extinguishment of fires and storage, sale, and use of oils, combustible materials and explosives; the investigation of the causes of all fires and the reporting of the same to the Police Department in all cases where there is reason to believe that any fire is the result of a crime or that a crime has been committed in connection therewith; the inspection of all hydrants, stand pipes, and other water supply systems; the performance of disaster and mutual aid services in accordance with approved plans or agreements; and the performance of such other functions as may be assigned by the City Manager or prescribed by ordinance of the City Council or by applicable State law. (Ord. 3192 § 19, amended, 11/17/2020; Ord. 2246 § 1, amended, 1983; Ord. 1399 § 15, amended, 1965)

2.28.170 Fire Department - Additional Duties

In addition to the performance of their regular and ordinary duties, it shall be the duty of all members of the Fire Department, at all times and under all circumstances, to go to the aid of all persons in distress or danger and render them such help and assistance as lies within their power and to perform any and all other duties when ordered by the Fire Chief. In case any member of the Fire Department is injured while rendering such additional services, the employee shall be deemed to be injured in the course of employment. (Ord. 2266 § 2, amended, 1983; Ord. 1399 § 16, amended, 1965)

2.28.180 Municipal Court Department – Created

A Municipal Court Department is hereby created which is under the direction of the elected Municipal Judge, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 20, amended, 11/17/2020; Ord. 2266 § 3, amended, 1983; Ord. 1399 § 17, amended, 1965)

2.28.190 Municipal Judge Jurisdiction and Powers

A. The Municipal Judge shall be the judicial officer for the City and shall have jurisdiction over all violations of City ordinances, the City Charter, and infractions, violations and misdemeanors described in the Oregon Revised Statutes occurring within the City. The Municipal Judge, in exercising this jurisdiction, shall have all the powers of a circuit court judge set forth in the Oregon Revised Statutes.

B. For any case involving an infraction, other than a traffic infraction, where it appears on the face of one or more pleadings, appearances or motions, that the underlying dispute between the complainant and defendant could be resolved through mediation, the court shall have the authority to refer the matter for mediation prior to or concurrent with the setting of the matter for trial.

1. The purpose of the mediation shall be to assist the complainant and defendant in resolving the dispute leading to the alleged infraction instead of litigating those issues before the court. The mediator shall report to the court the outcome of the mediation at the conclusion of the mediation proceeding. The mediator shall report in writing to the court any agreement reached by the parties as a result of the mediation, and if the municipal judge approves, the agreement shall be incorporated in the order disposing of the case. If the parties do not reach an agreement, the mediator shall report that fact to the court and may make a recommendation to the court as to disposition of the case.

2. The municipal judge shall have the authority to dismiss any case in which the complainant fails or refuses to participate in mediation. The municipal judge shall have the authority to compel the defendant to participate in mediation, and any defendant who willfully fails or refuses to participate in mediation after being ordered to do so may be cited for contempt in the manner provided by law.

3. The municipal judge shall have the authority to require the defendant and complainant to agree to comply with any order disposing of the case that incorporates the outcome of the mediation. If the complainant fails or refuses to agree to comply with such order, the municipal judge shall have the authority to dismiss the case. Any defendant who willfully fails or refuses to agree to comply with such order after being ordered to do so may be cited for contempt in the manner provided by law. (Ord. 2820 § 1, amended, 1998)

2.28.200 Municipal Judge – Pro Tempore

The Mayor, with confirmation by the City Council, shall appoint a Municipal Judge pro tempore, who shall serve as Municipal Judge in the absence from the City of the elected Municipal Judge, or due to the inability of said elected Judge to serve. The Municipal Judge shall have a right to submit recommendations as to the appointment or dismissal of the Municipal Judge pro tempore; however, this shall not limit the Mayor's power to appoint or dismiss. The Municipal Judge pro tempore shall be employed at the expense of the City upon such terms as are prescribed by the Council or City Manager. (Ord. 3192 § 21, amended, 11/17/2020; Ord. 2268, amended, 1983; Ord. 2266 § 5, amended, 1983; Ord. 1399 § 19, amended, 1965)

2.28.210 Municipal Judge – Records

The Municipal Judge shall keep on file in the Municipal Court office all written communications and opinions, decisions, briefs and papers used in cases wherein the Judge presides. The Municipal Judge shall deliver all books, records, papers, documents and property of every description belonging to the City to his/her successor in office. (Ord. 1399 § 20, amended, 1965)

2.28.220 Legal Department – Created

A Legal Department is hereby created which shall be under the direction of the City Attorney, and shall consist of such employees provided for by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 22, amended, 11/17/2020; Ord. 2266 § 6, amended, 1983; Ord. 1339 § 21, amended, 1965)

2.28.230 City Attorney – Duties – Legal

The City Attorney shall prosecute and defend for the City all actions at law or in equity, and all special proceedings for or against the City. The City Attorney shall commence any legal proceedings when directed to do so by the City Manager or City Council and shall give legal advice, in writing, to the Mayor, the City Council, the City Manager, Department Heads, and boards and commissions when requested to do so by them, upon questions of law arising in their separate departments involving the rights and liabilities of the City. The City Attorney shall not settle or dismiss any litigation for or against the City or take an appeal to any appellate court unless instructed to do so by

the City Manager or City Council. (Ord. 3192 § 23, amended, 11/17/2020; Ord. 2266 § 7, amended, 1983; Ord. 1399 § 22, amended, 1965)

2.28.240 City Attorney – Duties – Responsibilities to Council

The City Attorney shall draw such ordinances, resolutions, contracts, or other instruments as shall be requested by the Council or the City Manager, and shall attend the meetings of the Council when requested to do so by the Mayor, the Council or the City Manager. (Ord. 3192 § 24, amended, 11/17/2020; Ord. 2266 § 5, amended, 1983; Ord. 1399 § 23, amended, 1965)

2.28.250 City Attorney – Substitute Counsel

Whenever, in the opinion of the City Attorney, the City Manager, or the City Council, the interests of the City require it, assistant or substitute counsel may be employed at the expense of the City, upon such terms as are prescribed by the Council or City Manager. (Ord. 3192 § 25, amended, 11/17/2020; Ord. 1399 § 24, amended, 1965)

2.28.260 City Attorney - Records

The City Attorney shall keep on file in his\her office all written communications and opinions, briefs and papers used in cases wherein he\she appears. The City Attorney shall deliver all books, records, papers, documents, and property of every description belonging to the City to his\her successor in office. (Ord. 1399 § 25, amended, 1965)

2.28.270 City Attorney - Ex Officio Duties

With respect to criminal proceedings in the Municipal Court, the City Attorney shall be the Ex officio prosecuting attorney. Whenever the defendant is represented by an attorney on an infraction or violation, the City Attorney shall also prosecute the offense. In all other infraction or violation proceedings in the Municipal Court, the City Attorney shall consult and assist the enforcement officer involved. (Ord. 2956, amended, 05/06/2008)

2.28.280 Police Department – Created

A Police Department is hereby created which is under the direction of the Chief of Police, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 26, amended, 11/17/2020; Ord. 2266 § 9, amended, 1983; Ord. 1399 § 27, amended, 1965)

2.28.290 Police Chief – Duties

The Chief of Police, subject to the approval of the City Manager and City Council, shall organize and maintain such divisions in said Department as the operations may, in the judgment of the Chief, require, and shall be responsible for the supervision and control of all divisions of said Department and for performance of the functions herein assigned to said Department. The Chief of Police shall, in the lawful exercise of the duties of Police Chief, and subject to the provisions of the City Charter, have all the powers that are now or hereafter may be conferred upon sheriffs by the laws of the State, and shall be entitled to the same protection. (Ord. 3192 § 27, amended, 11/17/2020; Ord. 2266 § 10, amended, 1983; Ord. 1399 § 28, amended, 1965)

2.28.300 Police Chief – Department Administration

The Chief of Police shall have authority to adopt rules and regulations for the administration, discipline, equipment and uniforms of the members and officers of the Department, fixing powers and duties and prescribing penalties for violations of any such rules and regulations, and providing for their enforcement. (Ord. 1399 § 29, amended, 1965)

2.28.310 Police Department – Functions

The functions of the Police Department are the maintenance of law and order in the City; the enforcement in the City of all laws of the United States and of the State, and all ordinances of the City, except when such enforcement is by such law, ordinance or charter of the City made the responsibility of another officer or department, or when such enforcement is the responsibility of a State or Federal agency or officer; the administration of the City lockup and the care, custody and control of prisoners; and the performance of such other functions as may be assigned by the City Manager or prescribed by ordinance of the Council or by applicable State law. (Ord. 3192 § 28, amended, 11/17/2020; Ord. 2266 § 11, amended, 1983; Ord. 1399 § 30, amended, 1965)

2.28.320 Public Works Department – Created

A Public Works Department is hereby created which is under the direction of the Director of Public Works, and consists of such employees provided for in the position classification plan or a City budget, and such other employees as may be assigned by the City Manager. (Ord. 3192 § 29, amended, 11/17/2020; Ord. 2259 § 4, amended, 1983; Ord. 1399 § 31, amended, 1965)

2.28.330 Public Works Director – Duties

The Director of Public Works, subject to the approval of the City Manager and City Council, shall organize and maintain such divisions in said Department as the operations may, in the judgment of the Director, require and shall be responsible for the supervision and control of all divisions of said Department and for the functions

herein assigned to said Department. The Director of Public Works shall be ex officio City Engineer, ex officio Street Commissioner, and ex officio Water Superintendent. (Ord. 3192 § 30, amended, 11/17/2020; Ord. 2259 § 5, amended, 1983; Ord. 1399 § 32, amended, 1965)

2.28.340 Public Works Department - Functions

The functions of the Public Works Department are the construction and maintenance of all streets, alleys, sidewalks, paths, bike paths, rights-of-way, and courts now open or which hereafter may be opened; the cleaning of streets; the construction, maintenance, and operation of the sewer and storm drain systems; the maintenance and operation of the sewage disposal plant; the construction, maintenance and operation of the water distribution systems, the maintenance and operation of the water filtration plant; the supervision of all work done on streets, alleys, or other public ways, land, buildings, or other structures by anyone other than the City; supervision of the repair and maintenance of all motor equipment of the City; the performance of traffic engineering; the planning, improvement and maintenance of the Ashland Municipal Airport; the performance of all phases of engineering work required in connection with all the functions of said Department; the keeping of records of all surveys and measurements made, which records shall be open for public inspection. (Ord. 3100, amended, 2014; Ord. 2826 § 3, amended, 1998; Ord. 2259 § 6, amended, 1983; Ord. 2251 § 7, amended, 1983; Ord. 2246 § 2, amended, 1983; Ord. 1399 § 33, amended, 1965)

2.28.350 Community Development Department – Created

A Community Development Department is hereby created which is under the direction of the Director of Community Development, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Manager may assign to said Department. (Ord. 3192 § 31, amended, 11/17/2020)

2.28.352 Director of Community Development – Duties

The Director of Community Development, subject to the approval of the City Manager and City Council, shall organize and maintain such divisions in said Department as the operation may, in the judgment of the Director, require, and shall be responsible for the supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department. The Director of Community Development shall be the ex officio Secretary to the Planning Commission, Historic Commission, Economic Development Commission, and Citizens Planning Advisory Committee. (Ord. 3192 § 32, amended, 11/17/2020)

2.28.354 Community Development Department - Functions

The functions of the Community Development Department are the preparation and maintenance of the Comprehensive Land Use Plan of the City as required by State Law; the preparation of ordinances, policies, maps

and studies implementing said plan; the processing of applications for planning actions set forth in Title 18 of this Code; with the assistance of the Police Department, the enforcement of all laws, ordinances and regulations governing the erection and occupancy of buildings and structures, and the alteration of or additions to buildings and structures as required in Title [15](#) of this code; and, with the assistance of the Police Department, the enforcement of all laws and ordinances governing zoning and land-use as set forth in Title 18 of this code. (Ord. 3100, amended, 2014; Ord. 2246 § 3, amended, 1983)

2.28.360 Department and Division Duties – Generally

The officers and employees of the divisions and departments shall perform such other duties as may be required of them by the City Charter, laws or ordinances of the City, and such other or further duties as may be required from time to time by the person having direct charge of the division or department, or by the City Manager, or the City Council. (Ord. 3192 § 33, amended, 11/17/2020; Ord. 1399 § 35, amended, 1965)

The Ashland Municipal Code is current through Ordinance 3195, passed December 1, 2020.

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

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