

CHAPTER ONE -- GENERAL PROVISIONS

1.005 CODE DESIGNATED

All Ordinances included in this and the following chapters shall constitute and be designated "The Code of the City of Klamath Falls, Oregon" and will hereafter be referred to as "Code." When referring to specific sections of the Klamath Falls Code, the letters "KFC" should precede the numerical designation.

1.010 DEFINITIONS AND RULES OF CONSTRUCTION

The following definitions and rules of construction shall be observed, unless inconsistent with the intent of the Council or the context clearly requires otherwise.

- (1) City. The City of Klamath Falls, Oregon.
- (2) Computation of time. The time within which an act is to be done, including the giving of advance notice of a general or special election of the City, is computed by excluding the first day and including the last, unless the last falls on a legal holiday as defined in ORS 187.010 or 187.020 or on Sunday, in which case the last day is also excluded.
- (3) Council. City Council of the City of Klamath Falls.
- (4) County. Klamath County, Oregon.
- (5) Day. The period of time between any midnight and the midnight following.
- (6) Daytime; Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- (7) Department; Board; Commission; Office; Officer; Employee. A department, board, commission, office, officer, or employee of the City.
- (8) Gender. The masculine gender includes the feminine and neuter, and the feminine includes the masculine and neuter.
- (9) In the City. All territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its regulatory powers.
- (10) Joint Authority. All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (11) Law. Applicable federal law, the constitution and statutes of the State of Oregon, the Code and Ordinances of the

City and, when appropriate, any and all rules and regulations which may be promulgated.

- (12) Manager. The City Manager.
- (13) Minor. A person under the age of 18 years, unless otherwise stated.
- (14) Month. A calendar month, except where otherwise provided.
- (15) Number. The singular number includes the plural, and the plural, the singular.
- (16) Oath. "Oath" includes affirmation.
- (17) Official Time. Whenever certain hours are named herein, they shall mean the standard of time as set out in ORS 187.110.
- (18) Or; And. "Or" may be read "and" and "and" may be read "or," if the sense requires it.
- (19) ORS. Oregon Revised Statutes.
- (20) Owner. A part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of the building or land, or vendee in possession under a land sale contract.
- (21) Peace Officer. A City police officer or other officer specified in ORS 133.170.
- (22) Person. Individual corporation, association, firm, partnership, joint stock company, or similar entity.
- (23) Personal Property. Every species of property, except real property, as herein defined.
- (24) Preceding; Following. Next before and next after, respectively.
- (25) Process. A writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.
- (26) Property. Both real and personal property.
- (27) Real Property. Lands, tenements, and hereditaments.
- (28) Recorder. The City Recorder.
- (29) Shall; May. "Shall" is mandatory, and "may" is permissive.
- (30) Signature or Subscription by Mark. "Signature" or "subscription" includes "mark" when the signer or subscriber cannot write, the signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

- (30) State. The State of Oregon.
- (31) Tenant or Occupant. A person holding a written or an oral lease of, or who occupies, the whole or a part of the building or land, either alone or with others.
- (32) Tenses. The present tense includes the past and future tenses, and the future includes the present.
- (33) To. "To" means "to and including" when used in reference to a series of sections of this Code or when reference is made to the Oregon Revised Statutes.
- (34) Week. Seven consecutive days.
- (35) Writing. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.
- (36) Year. A calendar year, except where otherwise provided.
- (37) Zoning Ordinance. City Ordinance No. 5095 as amended; or the Community Development Ordinance as hereafter adopted and amended. References to a specific zone designation shall be equated to the most comparable existing zone under a later Ordinance.

1.015 ACTS OF SUBSTITUTE OFFICERS

Unless this Code provides to the contrary, the Manager of the City department heads, or their authorized representatives or deputies, may exercise any power granted by this Code to the Manager or department head. The Manager and department heads remain responsible for the performance of such acts.

1.020 SERVICE AND PROOF OF NOTICE

- (1) Except when this Code provides a specific procedure for giving notice, whenever oral or written notice is required by this Code, the notice may be given either by personal delivery to the person to be notified or by deposit in an official mailbox in a sealed, postage-prepaid envelope, addressed to the last known business or residence address of the person to be notified. The time when the notice is deposited in a mailbox is considered the time when the notice is given.
- (2) Proof of giving notice may be made by the certificate of any officer or employee of the

City or by affidavit of any person 18 years of age or older.

1.025 UNIFORM APPEAL AND HEARING PROCEDURE

In this Section, the word "appellant" means a person appealing from an administrative decision. Except as otherwise provided in this Code, a person who is authorized to appeal from an administrative decision under this Code shall follow the procedure stated in this Section.

- (1) Within 10 days after the day on which he is notified of the administrative decision from which appeal is requested, the appellant shall file with the Recorder a written notice of appeal, together with a written statement listing the reason for requesting the reversal, revocation or of the decision.
- (2) If the Council is to hear the appeal or if an authorized appellate board has a regularly scheduled meeting time, it shall hear the appeal at the next regularly scheduled meeting of the body after the Recorder receives the notice and statement of appeal.
- (3) If an appellate board which does not hold a regularly scheduled meeting is to hear the appeal, it shall hold a hearing on the matter within 10 days after the Recorder receives the notice and statement of appeal.
- (4) The Recorder shall notify the appellant of the time and place of the hearing and shall notify other persons who have an interest in the subject matter of the hearing.
- (5) At the hearing, the appellant or other persons may present witnesses and offer evidence in support of their case and, in the discretion of the Council or appellate board, evidence may be heard to sustain the administrative decision.
- (6) The Council or appellate board shall make written findings, recommendations or orders on any matter heard by it, and the Recorder shall send a copy thereof to the appellant. When the matter is heard by an appellate board, the appellant may further appeal to the Council by following the procedure established in this Section.
- (7) The Council may review the official action of a City official, City employee, City board, City commission or other official City body. A person requesting such Council review shall follow the procedure established in this Section, unless this Code provides a special appeal procedure applicable to such an appeal.

1.030 CONSTRUCTION

The provisions of this Code and all proceedings under it are to be construed with a view to affecting its objectives and promoting justice.

1.035 CONTINUATION OF EXISTING ORDINANCES

The provisions appearing in this Code, so far as they are the same as those of Ordinances or prior Code sections existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

1.040 EFFECT OF REPEAL OF ORDINANCES

The repeal of an Ordinance shall not revive an Ordinance in force before or at the time the Ordinance repealed took effect. The repeal of an Ordinance shall not effect a punishment or penalty incurred before the repeal took effect; nor a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed Ordinance.

1.045 SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the Council that the sections, subsections, paragraphs, provisions, clauses, phrases and words of this Code are severable; and if any section, subsection, paragraph, provision, clause, phrase or word of this Code is adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Code; and it is hereby expressly declared that every other section, subsection, paragraph, provision, clause, phrase or word of this Code enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid, is valid.

1.050 TITLES OF SECTIONS

The titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed as a part of the section; nor, unless expressly so provided, shall they be so deemed when sections, including the title, are amended or reenacted.

1.055 AMENDMENT AND REPEAL OF CODE SECTIONS

This Code is the general and permanent law of the City. The Council may enact three types of

general Ordinances to affect this Code. Such Ordinances may (1) amend existing provisions; (2) add new provisions; or (3) repeal existing provisions. A general Ordinance shall specifically amend or repeal a particular section of this Code, and a general Ordinance creating a new Code section shall integrate the new section into the numbering system and organization of this Code.

1.060 REPEAL

All Ordinances of a general and permanent nature and prior Code sections not contained in this Code and not excluded by [Section 1.065](#) are hereby repealed.

[Added by Ordinance No. 6105, enacted Nov. 8, 1977; Revised Codification by Ordinance No. 6288, enacted May 5, 1980]

1.065 EXCLUSIONS

Notwithstanding inclusion within this Code of the general subject matter, in whole or in part, this Code does not repeal or amend: any special Ordinance affecting less than the general public; any Ordinance affecting the general public on a temporary basis; any Ordinance relating to or resulting from annexation, naming of streets and public places or property acquisition or disposal of property, vacation of streets, public places or plats; any Ordinance relating to waiver of fees or Code provisions, bids or contracts; any Ordinance fixing or changing a zone classification of property; and Ordinance relating to budget; any Ordinance granting a permit; any franchise Ordinance; nor any planning, zoning or land development Ordinance.

1.070 CITY SEAL

The seal to be used and known as the seal of the City shall consist of an outer rim on which shall be the words "City of Klamath Falls, Oregon," and upon the plane within this rim shall be the words "Corporate SEAL May 18, 1905," this being the date upon which the charter incorporating the City as such went into effect. The seal shall make an impression one and twenty-nine thirty-seconds inches in diameter.

1.075 FEES

(1) Except otherwise as provided in this Section and the City Code, the City Manager is authorized to establish schedules of fees and charges for all permits, licenses, events and activities regulated by the City and for all services provided by the City, and the City Manager may amend any such schedule

when deemed appropriate. Provided, however, that prior to adoption and implementation of any schedule, including any periodic amendments, the proposed schedule, reflecting all changes, shall be provided to the City Council not less than 14 calendar days prior to implementation. If any Council member objects to any proposed fee or charge, the fee(s) and/or charge(s) objected to shall be placed on the agenda of a regularly scheduled Council meeting and Council may approve, disapprove or modify the proposed fee(s) and/or charge(s) after discussion of the matter. Any Council member may also request a public hearing on the proposed fee(s) and/or charge(s). A proposed fee or charge that has been objected to by a Council member shall not be implemented until Council has rendered its decision.

- (2) This Section does not apply to the following:
- (a) Fees, charges or assessments required by the City Code to be set or modified by Resolution or Ordinance approved or adopted by the Council; and
 - (b) Consumption charges for water, sewer, geothermal and other utilities operated by the City; and
 - (c) Fines, fees, enforcement fees or civil penalties that may be imposed as a result of judicial or administrative enforcement proceedings; and
 - (d) Other fees or charges that Council is required to set pursuant to federal law, state law or contractual agreement related to the issuance of municipal bonds.

[Added by Ordinance No. 6366, enacted Nov. 2, 1981; Amended by Ordinance No. 07-09 enacted March 5, 2007]