

**TITLE I: GENERAL PROVISIONS**

Chapter

**10. GENERAL PROVISIONS**

**11. CITY STANDARDS**

**Seaside - General Provisions**

## CHAPTER 10: GENERAL PROVISIONS

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### *Cross-reference:*

*Ordinances generally, see Charter, Chapter IX*

### § 10.01 TITLE OF CODE.

This codification of ordinances by and for Seaside shall be designated as the *Code of Seaside* and may be so cited.

### § 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

### § 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

### § 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

### § 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY, MUNICIPAL CORPORATION,** or **MUNICIPALITY.** The City of Seaside, Oregon.

**CODE, THIS CODE** or **THIS CODE OF ORDINANCES.** This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

**COUNTY.** Clatsop County, Oregon.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

**PERSON.** Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

**SHALL.** The act referred to is mandatory.

**SIGNATURE or SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of Oregon.

**SUBCHAPTER.** A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

**WRITTEN.** Any representation of words, letters, or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed.

#### § 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) *AND or OR.* Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

#### § 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

#### § 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

**§ 10.09 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

**§ 10.10 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

**§ 10.11 OFFICIAL TIME.**

The official time, as established by applicable state/federal laws, shall be the official time within this city for the transaction of all city business.

**§ 10.12 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

**§ 10.13 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

**§ 10.14 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**§ 10.15 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body shall take effect as provided in Section 33 of the city charter.

**§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive

the former ordinance, clause, or provision, unless it is expressly provided.

**§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

**§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 161, passed 5-13-60; Am. Ord. 170, passed 1-1-70; Am. Ord. 180, passed 1-1-80; Am. Ord. 185, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (O.R.S. 192.410) (Ord. 180, passed 1-17-80; Am. Ord. 185, passed 1-1-85).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

*Statutory reference:*

*For provisions concerning the inspection of public records, see O.R.S. 192.420*

**§ 10.99 GENERAL PENALTY.**

(A) Any person violating any provision of this code for which no other specific penalty is provided shall, upon conviction, be punished by a fine not to exceed \$500, subject to division (B) of this section.

(B) Any person violating any provision of this code which is identical to a state statute containing a lesser penalty shall, upon conviction, be punished by the penalty prescribed by state statute.

(C) Each calendar date on which a violation occurs constitutes a separate violation.

## CHAPTER 11: CITY STANDARDS

### Section

#### 11.01 Ward boundaries

#### § 11.01 WARD BOUNDARIES.

After duly considering the population of the present wards in the city, it is determined that it is necessary to realign the existing ward boundaries in compliance with the existing law, and such wards are hereby realigned and redefined geographically as follows:

(A) Ward I of the City of Seaside, County of Clatsop and State of Oregon, shall hereinafter be bounded and described as follows:

Beginning at a point which is the intersection of the centerline of Avenue K with the South Prom; thence easterly along the centerline of Avenue K to the centerline of South Edgewood; thence northerly along the centerline of South Edgewood to the centerline of Avenue I; thence easterly along the centerline of Avenue I, across the Necanicum River, to the centerline of South Roosevelt; thence northerly along the centerline of South Roosevelt to the extension of the centerline of Avenue G; thence easterly along the centerline of Avenue G and its easterly extension to Wahanna Road; thence southerly along Wahanna Road to the centerline of Cooper Street; thence easterly along the centerline of Cooper Street to the centerline of Laurel Street; thence southerly along the centerline of Laurel Street to a point on the north line of Parcel 2 of Partition Plat 1997-002; thence easterly along said north line to the

northwest corner of Parcel 1 of Partition Plat 1997-002; thence southerly along the west line of said Parcel 1 and its extension to the southwest corner of Parcel 1 of Partition Plat 2003-022; thence easterly along the south line of the plat of Bear Creek to the centerline of Reef Drive; thence northerly along the centerline of Reef Drive to a point on the easterly extension of the south line of Tax Lot 6-10-22-CD #500; thence westerly along said south line to the centerline of Avenue S; thence southerly and westerly along the centerline of Avenue S to the centerline of Neawanna Creek; thence southerly along the centerline of the Neawanna to the southerly City Limits Line; thence meandering southerly and westerly along the City Limits Line to its eventual intersection with the Pacific Ocean, thus encompassing the southern extent of the City; thence northerly along the shore line until its intersection of the westerly extension of the centerline of Avenue K; thence along the westerly extension of the centerline of Avenue K to its intersection with the South Prom, which is the true point of beginning.

(B) Ward II of the City of Seaside, County of Clatsop and State of Oregon, shall hereinafter be bounded and described as follows:

Beginning at a point which is the intersection of the centerline of Avenue K with the South Prom; thence easterly along the centerline of Avenue K to the centerline of South Edgewood; thence northerly along the centerline of South Edgewood to the

centerline of Avenue I; thence easterly along the centerline of Avenue I, across the Necanicum River, to the centerline of South Roosevelt; thence northerly along the centerline of South Roosevelt to the centerline of Seventh Avenue; thence westerly along the centerline of Seventh Avenue to the centerline of North Lincoln; thence southerly along the centerline of North Lincoln to the centerline of Seventh Avenue; thence westerly along Seventh Avenue to the centerline of North King Street; thence northerly along the centerline of North King Street to the centerline of Seventh Avenue; thence westerly along the centerline of Seventh Avenue to the centerline of North Holladay; thence northerly along the centerline of North Holladay to the centerline of Twenty First Avenue; thence westerly along the extension of Twenty First Avenue to the extension of the North Prom; thence southerly along the North Prom extension and the Prom to the intersection of the centerline of Avenue K, which is the true point of beginning.

(C) Ward III of the City of Seaside, County of Clatsop and State of Oregon, shall hereinafter be bounded and described as follows:

Beginning at a point which is the intersection of the centerlines of Broadway and Roosevelt Drive; thence northerly along the centerline of Roosevelt Drive to the centerline of Seventh Avenue; thence westerly along the centerline of Seventh Avenue to the centerline of North Lincoln; thence southerly along the centerline of North Lincoln to the centerline of Seventh Avenue; thence westerly along Seventh Avenue to the centerline of North King Street; thence northerly along the centerline of North King Street to the centerline of Seventh Avenue; thence westerly along the centerline of Seventh Avenue to the centerline of North Holladay; thence northerly along the centerline of North Holladay to the centerline of Twenty First

Avenue; thence westerly along the centerline of Twenty First Avenue to the Mean High Water Line of the Necanicum River; thence meandering northerly and easterly along said Mean High Water Line, around the area known as Venice Park, becoming the Mean High Water Line of Neawanna Creek, until its intersection with the centerline extension of Lewis and Clark Road; thence easterly along said extension to the centerline of Wahanna Road; thence southerly along the centerline of Wahanna Road to the intersection with the easterly extension of Avenue G; thence westerly along the extension of Avenue G and the centerline of Avenue G to South Roosevelt Drive; thence northerly along the centerline of Roosevelt Drive to the centerline of Broadway which is the true point of beginning.

(D) Ward IV of the City of Seaside, County of Clatsop and State of Oregon, shall hereinafter be bounded and described as follows:

Beginning at a point which is the intersection of the centerlines of Broadway and Wahanna Road; thence northerly along the centerline of Wahanna Road to the centerline of Lewis and Clark Road; thence northerly along the centerline of Lewis and Clark Road to the centerline of North Roosevelt Drive; thence northerly along the centerline of North Roosevelt Drive to a point on the westerly extension of the south line of Tax Lot 6-10-10-DC#100; thence easterly along the south line of Tax Lot 6-10-10-DC#100 to the west line of Tax Lot 6-10-10#2100; thence northerly along the west line of Tax Lot 6-10-10#2100 to the north line of the Seaside Airport; thence easterly along the north line of said airport to the northeast corner of Tax Lot 6-10-10#2000, still a part of the Seaside Airport; thence southerly along the east line of the airport to the centerline of Lewis and Clark Road; thence easterly along the centerline of Lewis and Clark Road to a point on the southerly extension of the west line of the Plat of



Regal Elk Ridge Estates; thence northerly along said west line to the northwest corner of Parcel 1 of Partition Plat 1995-014; thence easterly along the north line of said partition plat to the City Limits line; thence meandering southerly along the City Limits line to the southwest corner of Parcel 1 of Partition Plat 2003-022; thence along the west line of Parcel 1 of Partition Plat 2003-022 to the northwest corner of Parcel 2 of Partition Plat 1997-002; thence easterly along the north line of Parcel 2 of Partition Plat 1997-002 to a point which is the southerly extension of the centerline of Laurel Street; thence northerly along Laurel Street to the centerline of Cooper Street; thence westerly along the centerline of Cooper Street to the centerline of Wahanna Road; thence northerly along the centerline of Wahanna Road to the centerline of Broadway which is the true point of beginning.

(Ord. 2011-08, passed 12-12-11)

