

RESOLUTION NO. 2823

A RESOLUTION Withdrawing Thirteen (13) Council Policies.

Findings

- A. The City Council has adopted various policies over the years through a variety of means, making them difficult to track, implement, and update.
- B. As a part of the City's Strategic Plan, staff has reviewed all of the current Council policies adopted by resolution, motion, and historical practice, and has determined that a variety of the policies are out of date and/or no longer applicable.
- C. Resolution 2783, (May 19, 2010) adopted a process for establishing and a mechanism for maintaining Council Policies
- D. Appendix A of this resolution includes the list of policies adopted by the City Council that are withdrawn as a result of this Council action.
- E. Council Policies withdrawn by this Resolution are obsolete or are addressed through other mechanisms such as the Bend Code.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The City recognizes the need to clarify and/or update Council Policies
2. The Council Policies listed in Appendix A are withdrawn by this resolution.
3. Each Policy is withdrawn on the date indicated in Appendix A.
4. All resolutions previously adopted for the policies included in Appendix A are superseded by this resolution.

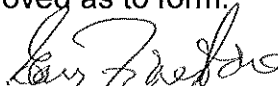
Adopted by the City Council the 20th day of April, 2011.


YES: 6

NO: 0

Authenticated by the Mayor the 20th day of April, 2011.

Approved as to form:

  
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Legal Counsel

  
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Jeff Eager, Mayor

Attest

Patricia Stell, City Recorder

APPENDIX A

Withdrawal Date	Council Policy Title	Adoption Date	Policy Summary	Reason for Withdrawal
4/20/11	Beer Garden Policy (Council Policy 1-2-1)	June 21, 1989 Council Motion	Supplement provisions of Bend Code	Addressed in Bend Code Title VII
4/20/11	Motor Vehicle Forfeiture Policy (Council Policy 1-2-2)	February 17, 1993 Ord. NS-1583	Provides for forfeiture of vehicles declared nuisances	Addressed in Bend Code Title VI
5/20/11	Sewer Policy #4 SDC Credit Reimbursement (Council Policy 2-11-2)	June 15, 1994 Council Motion	Provides for timing & financing of system expansions	Addressed in Bend Code Title XII
5/20/11	Water Policy #5 SDC Collection & Disbursement (Council Policy 2-11-3)	Nov. 17, 1993 Council Motion	Provides for timing & financing of system expansions	Addressed in Bend Code Title XII
5/20/11	Street Policy #5 SDC Credit & Reimbursement (Council Policy 2-11-4)	Sept. 6, 1995 Council Motion	Provides for timing & financing of system expansions	Addressed in Bend Code Title XII
4/20/11	Accounting Policy (Write offs of Uncollectible Receivables) (Council Policy 2-14)	December 7, 2005 Council Motion	Establishes authority and procedure to write off certain receivables	Administrative policy
4/20/11	Amplified Sound Policy (Council Policy 3-3)	July 18, 1984 Council Motion	Provide for consistent application of amplified sound for special events	Addressed in Bend Code Title V
4/20/11	City Room Use Policy (Council Policy 3-10)	January 17, 1990 Council Motion	Provisions for use of City meeting rooms	Outdated. Not current practice. Administrative.
5/20/11	Advisory Committee Policy (Council Policy 3-11)	April 19, 1989 Council Motion	Addresses appointment of representatives to City advisory boards	Addressed in Title I
4/20/11	Electronic Mail (E-mail) Policy (Council Policy 3-12)	November 6, 1996 Council Motion	Responsibilities for use; privacy and access	Covered by Resolution 2708 (adopted 2010)
4/20/11	Policy on Meals Provided to Council and Staff Required to Work Through Regular Meal Hours (Council Policy 5-9)	June 15, 2005 Council Motion	Address meals provided by the City under the "reimbursement" provisions of ORS 244-040(1)	No longer needed
4/20/11	Parking Designations in Downtown Area (Council Policy 6-2-3)	February 21, 1990 Council Motion	Designate specific parking areas in Downtown Bend not addressed in Bend Code	Outdated
4/20/11	Street Vendor Policy (Council Policy 6-2-5)	April 16, 2003 Council Motion	Provides guidelines for vendors operating on public right-of-way	Addressed in Title VII

City of Bend  
Beer Garden Policy

Section 1. Purpose:

This policy is adopted to supplement the provisions of BC 7.372 relating to beer gardens which are held as part of special events.

Section 2. Beer Garden Policy:

- 2.1 No request for a beer garden will be accepted by the City in advance of two months before the scheduled event.
- 2.2 The event organizer is responsible for security during the beer garden. Security is to include, but is not limited to, checking identification to assure exclusion of minors from the beer garden, watching participants for indications of intoxication and /or disruptive behavior and taking the appropriate steps. All City costs for police officers needed for the beer garden, as required by the Chief of Police, must be paid in advance of when the beer garden is held.
- 2.3 A beer garden may not be operational for more than four hours.
- 2.4 All beer gardens will have a perimeter approved by the Chief of Police and will have each point of entrance and exit monitored.
- 2.5 Any exception to this policy requires City Council approval.

City of Bend  
Motor Vehicle Forfeiture Policy

Effective March 17, 1993, Bend Ordinance NS-1583 provides for the forfeiture of vehicles declared nuisances for the following:

1. A motor vehicle operated by a person whose operator's license is suspended or revoked or in violation of a hardship or probationary permit in violation of the provisions of ORS 811.182; and,
2. A vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010 and who either has participated in an alcohol diversion program or has been convicted or forfeited bail or security within the previous ten years.

Section 1. Purpose:

The purpose of this ordinance is to deprive those drivers who pose a danger to persons and property of their means of committing subsequent offenses. While this department will actively pursue such seizures and forfeitures, it will seize and proceed with forfeiture only based upon supportable evidence that a violation has in fact occurred. It is not our intent to inconvenience an innocent owner. If reasonable doubt exists as to the status or ownership of a vehicle, it shall not be seized. The issue can be investigated further at a later time and the vehicle can be seized if it is determined that the vehicle is in fact a nuisance as provided by ordinance NS-1583.

Section 2. Guidelines for Seizures:

- 2.1 Seize if the driver is the owner - based upon Motor Vehicle Division records.
- 2.2 Seize if the driver claims to be the owner -(No official records) based upon driver's assertions and totality of circumstances.
- 2.3 Seize if the driver is not the owner, only if it can be shown that the owner: 1) knowingly allowed the driver use of the vehicle; 2) knew that the vehicle would be used for an illegal purpose as provided in NS-1583; and, 3) the owner took no reasonable steps to prevent the illegal use.
- 2.4 All seized vehicles shall be towed and stored by the towing and storage company contracted for this purpose.

Adopted: 02/17/93  
Revised:

Print Date: August 7, 1995

- 2.5 Personal property in the seized vehicle may be claimed by the owner(s) except that attached property (such as stereos, radar detectors, speakers; etc.) and add-on items shall be considered part of the vehicle.

Section 3. Dispositions Other Than Forfeiture:

- 3.1 If the vehicle is driven by other than an owner and the owner does not have knowledge of the offense the owner shall receive a letter advising of the offense and that the vehicle shall be forfeited in the future if the same driver is driving the vehicle and is DUII or criminally suspended.
- 3.2 If the vehicle seized is operated by a person who is arrested for DUII and that person has only one conviction or diversion or the person is driving while suspended as a result of a misdemeanor, the vehicle shall be offered back to that person for a \$125.00 administrative fee, the cost of towing and storage, and the signature on a vehicle release agreement and stipulated judgement. (Other than the DUII or Driving While Suspended-misdemeanor "return agreement" program the department does not civilly compromise other forfeitures under this ordinance.)

Section 4. Forfeiture Proceedings:

Vehicles seized pursuant NS-1583 shall be subject to forfeiture proceedings. A file shall be created and all persons having an interest in the vehicle shall be notified of the seizure and the intended forfeiture. This shall be done by using Deschutes County's administrative process.

Adopted: 02/17/93  
Revised:

Print Date: August 7, 1995

City of Bend  
Systems Development Charge Credit Reimbursement  
Sewer Policy No. 4

Section 1. Purpose:

It shall be the policy of the City of Bend that expansions to the City's sewer system shall only be accomplished as directed by the City. The timing and financing of system expansions shall be as provided in this policy.

Expansions to the sewer system that involve the extension of collection systems within new developments shall be accomplished by developers, at their cost and according to City approved development plans.

Extensions of the sewer system that involve the construction of interceptor, main and truck lines or permanent pumping facilities shall be accomplished pursuant to the City's Master Plan. It is anticipated that these improvements will be financed by funds generated from systems development charges, other sewer fund resources or by developers as provided below. The timing of improvements to be constructed by the City will be subject to the availability of City funds to finance them.

Section 2. Procedure:

Developers who wish to expand the City's sewer system by constructing collection lines or pumping improvements may do so according to the following procedure:

- 2.1 Prior City approval will be required.
- 2.2 An executed agreement between the developer and the City shall be required and shall set forth the development requirements as well as any SDC credit and/or SDC reimbursement, if available.
- 2.3 All improvements must be constructed according to applicable City standards, rules and regulations, including the City's Master Plan, as determined by the City Engineer.
- 2.4 All of the cost of such improvements shall be paid by the developer.
- 2.5 The developer's costs associated with the construction of these qualified public improvements may be eligible for a system development charge (SDC) credit and/or SDC reimbursement as provided in this policy.

Adopted: 06/19/94  
Revised:

Print Date: July 7, 1995

Section 3.            SDC Credit:

The SDC credit shall be determined first and shall:

- 3.1    Only be available for qualified public improvements as defined in Oregon Revised Statutes (ORS) 223.304(3)(i.e., improvements that are required as a condition of development and identified in the City's Master Plan).
- 3.2    Be a credit against only the improvement fee portion of the SDC. The improvement fee portion against which the credit may be applied shall be calculated by using the methodology as it is employed in the City's SDC Ordinance and Resolution. If less than the maximum allowable SDC is charged in the Resolution, the percentage of the maximum allowable SDC used shall also be used to determine that portion of the improvement fee against which the SDC credit can be applied.

e.g., If a developer incurs \$100,000 for collection, main lines and pumping improvement costs of which \$40,000 is related to qualified improvements, and, if the development has 20 lots and the SDC improvement fee is 60% of the maximum allowable SDC improvement fee of \$565.00, or \$339.00, the SDC credit would be \$6,780.00 ( $20 * \$339.00$ ). If the development included 100 lots the SDC credit would be limited to \$24,000 as the SDC improvement fee times the number of lots ( $100 * \$339.00 = \$33,900.00$ ) exceeds the qualified costs subject to the SDC credit times the percentage of the maximum allowable SDC improvement fee.

- 3.3    The amount of the credit shall not exceed the improvement fee as calculated above.

Section 4.            SDC Reimbursement:

In addition to the SDC credit a developer may be eligible for SDC reimbursement. SDC reimbursement shall be determined as follows:

- 4.1    The maximum SDC reimbursement shall be limited to the collection lines or pumping improvement costs expended by the developer, as determined by the City Engineer, times the percentage of the maximum allowable SDC in place at the time of executing an agreement with the City, less any SDC credit related to the improvements. There shall be no SDC reimbursement if the SDC credit exceeds the maximum SDC reimbursement. Qualified costs of collection lines

or pumping improvements shall include actual construction costs, including actual expenditures for engineering and/or surveying, and a reasonable allowance for administrative expenditures.

**Section 5. SDC Credit and Reimbursement - Collection and Payment Procedures:**

- 5.1 SDC credit and SDC reimbursement will be collected and paid as follows:
- 5.2 The current SDC, as established by the Bend City Council, shall be collected by the City on all building permits issued by the City or with other agreements as applicable. The SDC has two components; an improvement fee for future system improvements and a reimbursement fee for existing or in-progress improvements.
- 5.3 SDC improvement fees collected by the City shall be paid to developers and retained by the City in accordance with this policy.
- 5.4 SDC reimbursement fees collected by the City shall be retained by the City to reimburse the City for previous system expenditures, related debt service or future improvements.

**Section 6. Shared / Sole Recovery Areas:**

- 6.1 The area served or to be served by the City's sewer system will be categorized as either shared recovery area or as sole recovery area. Sole recovery areas shall be determined by the City Engineer and shall include only the developer's property that is to be served by the approved master plan facilities constructed by the developer. Shared recovery area shall include all area served or to be served by the City's sewer system that is not otherwise designated as sole recovery area.
- 6.2 SDC improvement fees collected from each sole recovery area shall be applied as follows:
  - 6.2.1 SDC credit due the developer of the sole recovery property, until paid.
  - 6.2.2 SDC reimbursement due the developer of the sole recovery property, until paid or until the 10 year recovery period expires.
  - 6.2.3. Once items 1 and 2 are met the sole recovery property shall become shared recovery area.



- 6.3 SDC improvement fees collected from the shared recovery area shall be applied as follows:
- 6.3.1 To developers with outstanding SDC credit and SDC reimbursement balances, including the City, in proportion to the outstanding SDC credit and SDC reimbursement balances, at the end of the repayment period, of all developers, including the City, participating in the shared recovery area.
- 6.4 SDC improvement fees collected and paid to developers from the shared recovery area shall be limited to the amount of SDC credit and/or SDC reimbursement that would not otherwise be collectible from SDC improvement fees within a developer's sole recovery area.
- 6.5 There shall be no payment made, for either the SDC credit or SDC reimbursement, to the developer from any SDC improvement fee collected within the sole recovery area or shared recovery area until the source, storage or transmission improvements are accepted by the City.
- 6.6 There shall be no SDC credit or SDC reimbursement paid after 10 years from the date the qualified improvements are accepted by the City.
- 6.7 A sole recovery area shall become shared recovery area when the developer has been paid the SDC credit and/or SDC reimbursement in full, or the SDC credit is paid in full and the 10 year SDC reimbursement period expires.

Section 7. Payment Schedule:

- 7.1 Payment of SDC credit and SDC reimbursement amounts shall be payable annually by the City for SDC improvement fees collected by the City from January 1 through December 31 of each year by January 31 of the year following collection by City.
- 7.2 No interest shall accrue on SDC credit or SDC reimbursement payable to developers.
- 7.3 There shall be no adjustments made to the amount of any SDC credit or SDC reimbursement amount as a result of inflation.

Section 8. Assignment of Claims:

Adopted: 06/19/94  
Revised:

Print Date: July 7, 1995

- 8.1 Claims for SDC credit and SDC reimbursement are personal and may not be assigned without the written consent of City.

Section 9. Future Changes to Maximum Allowable SDC:

- 9.1 Future changes by the City of the maximum allowable SDC or the percentage of the maximum allowable SDC imposed shall neither increase or decrease the SDC credit or SDC reimbursement determined above, however, if the percentage of the maximum allowable SDC is changed, all active public improvement agreements will be reviewed, and if necessary, SDC credit and/or SDC reimbursement amounts to be collected and reimbursed developers from sole and shared recovery areas will be recalculated in accordance with this policy.

Section 10. City's Obligation to Pay:

- 10.1 The City's obligation to pay or apply SDC credit or SDC reimbursement shall be limited to SDC improvement fees actually collected by the City as provided in this policy. City's obligation to pay or apply SDC credit or SDC reimbursement from SDC improvement fees collected shall be further limited to the total of the SDC credit and SDC reimbursement calculated as provided in this policy. Payment of SDC credit and SDC reimbursement shall be subject to prior reimbursement claims which are payable from SDC collections. Persons who receive, or are entitled to claim, SDC credit or SDC reimbursement shall indemnify and hold the City harmless in the event the City is subject to claims by others for SDC credit or SDC reimbursement for the same improvements. City shall have the right to set off the amount of any competing claims for SDC credit or SDC reimbursement against prior claims for the same SDC credit or SDC reimbursement if in the City's judgment it becomes necessary to do so.

Section 11. Applicability:

- 11.1 This policy shall apply to all eligible improvements installed and accepted after City Resolution #2064 which established sewer SDCs effective May 6, 1993.

City of Bend  
Systems Development Charges Collection and Dispersement  
Water Policy No. 5

Section 1.            Policy:

It shall be the policy of the City of Bend that expansions to the City's water system shall only be accomplished as directed by the City. The timing and financing of system expansions shall be as provided in this policy.

Section 2.            Expansions:

Expansions to the water system that involve the extension of distribution systems within new developments shall be accomplished by developers, at their cost and according to City approved development plans.

Expansions to the water system that involve the acquisition of water supply sources, or construction of storage facilities or main transmission lines shall be accomplished pursuant to the City's Master Plan. It is anticipated that these source, storage and transmission improvements will be financed by funds generated from systems development charges, other water fund resources or by developers as provided below. The timing of improvements to be constructed by the City will be subject to the availability of City funds to finance them.

Section 3.            Procedure:

Developers who wish to expand the City's water system by acquiring water supply sources or constructing storage facilities or main transmission lines may do so according to the following procedure:

- 3.1     Prior City approval will be required.
- 3.2     An executed agreement between the developer and the City shall be required and shall set forth the development requirements as well as any SDC credit and/or SDC reimbursement, if available.
- 3.3     All improvements must be constructed according to applicable City standards, rules and regulations, including the City's Master Plan, as determined by the City Engineer.
- 3.4     All of the cost of such improvements shall be paid by the developer.

Adopted: 11/17/93  
Revised:

Print Date: February 27, 1997

Section 4.            SDC Credit:

The developer's costs associated with the construction of these qualified public improvements may be eligible for a system development charge (SDC) credit and/or SDC reimbursement as provided in this policy.

The SDC credit shall be determined first and shall:

- 4.1    Only be available for qualified public improvements as defined in Oregon Revised Statutes (ORS) 223.304(3)(i.e., improvements that are required as a condition of development and identified in the City's Master Plan).
- 4.2    Be a credit against only the improvement fee portion of the SDC. The improvement fee portion against which the credit may be applied shall be calculated by using the methodology as it is employed in the City's SDC Ordinance and Resolution. If less than the maximum allowable SDC is charged in the Resolution, the percentage of the maximum allowable SDC used shall also be used to determine that portion of the improvement fee against which the SDC credit can be applied.

e.g. If a developer incurs \$100,000 in source, storage, and/or transmission costs of which \$40,000 is related to qualified improvements, and, if the development has 20 lots and the SDC improvement fee is 75% of the maximum allowable SDC improvement fee of \$1,905, or \$1,429 the SDC credit would be \$28,580 (20 \* \$1,429). If the development included 30 lots the SDC credit would be limited to \$30,000 as the SDC improvement fee times the number of lots (30 \* \$1,429 = \$42,870) exceeds the qualified costs subject to the SDC credit times the percentage of the maximum allowable SDC improvement fee.

- 4.3    The amount of the credit shall not exceed the improvement fee as calculated above.

Section 5.            SDC Reimbursement:

In addition to the SDC credit a developer may be eligible for SDC reimbursement. SDC reimbursement shall be determined as follows:

- 5.1    The maximum SDC reimbursement shall be limited to the source, storage and transmission costs expended by the developer, as determined by the City

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Engineer, times the percentage of the maximum allowable SDC in place at the time of executing an agreement with the City, less any SDC credit related to the improvements. There shall be no SDC reimbursement if the SDC credit exceeds the maximum SDC reimbursement. Qualified costs of source, storage or transmission shall include actual construction costs, including actual expenditures for engineering and/or surveying, and a reasonable allowance for administrative expenditures.

5.2 SDC credit and SDC reimbursement will be collected and paid as follows:

5.2.1 The current SDC, as established by the Bend City Council, shall be collected by the City on all building permits issued by the City or with other agreements as applicable. The SDC has two components; an improvement fee for future system improvements and a reimbursement fee for existing or in-progress improvements.

5.3 SDC improvement fees collected by the City shall be paid to developers and retained by the City in accordance with this policy.

5.4 SDC reimbursement fees collected by the City shall be retained by the City to reimburse the City for previous system expenditures, related debt service or future improvements.

#### Section 6.

##### Recovery areas:

6.1 The area served or to be served by the City's water system will be categorized as either shared recovery area or as sole recovery area. Sole recovery areas shall be determined by the City Engineer and shall include only the developer's property that is to be served by the source, storage or transmission constructed by the developer. Shared recovery area shall include all area served or to be served by the City's water system that is not otherwise designated as sole recovery area.

6.2 SDC improvement fees collected from each sole recovery area shall be applied as follows:

6.2.1 SDC credit due the developer of the sole recovery property, until paid.

6.2.2 SDC reimbursement due the developer of the sole recovery property, until paid or until the 10 year recovery period expires.

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Revised:

Print Date: February 27, 1997

- 6.2.3 Once items 1 and 2 are met the sole recovery property shall become shared recovery area.
- 6.3 SDC improvement fees collected from the shared recovery area shall be applied as follows:
- 6.3.1 To developers with outstanding SDC credit and SDC reimbursement balances, including the City, in proportion to the outstanding SDC credit and SDC reimbursement balances, at the end of the repayment period, of all developers, including the City, participating in the shared recovery area.
- 6.4 SDC improvement fees collected and paid to developers from the shared recovery area shall be limited to the amount of SDC credit and/or SDC reimbursement that would not otherwise be collectible from SDC improvement fees within a developer's sole recovery area.
- 6.5 There shall be no payment made, for either the SDC credit or SDC reimbursement, to the developer from any SDC improvement fee collected within the sole recovery area or shared recovery area until the source, storage or transmission improvements are accepted by the City.
- 6.6 There shall be no SDC credit or SDC reimbursement paid after 10 years from the date the qualified improvements are accepted by the City.
- 6.7 A sole recovery area shall become shared recovery area when the developer has been paid the SDC credit and/or SDC reimbursement in full, or the SDC credit is paid in full and the 10 year SDC reimbursement period expires.

## Section 7.

### Payment of SDC Credit/Reimbursement:

- 7.1 Payment of SDC credit and SDC reimbursement amounts shall be payable annually by the City for SDC improvement fees collected by the City from January 1 through December 31 of each year by January 31 of the year following collection by City.
- 7.2 No interest shall accrue on SDC credit or SDC reimbursement payable to developers.
- 7.3 There shall be no adjustments made to the amount of any SDC credit or SDC reimbursement amount as a result of inflation.

Adopted: 11/17/93  
Revised:

Print Date: February 27, 1997

- 7.4 Claims for SDC credit and SDC reimbursement are personal and may not be assigned without the written consent of City.
- 7.5 Future changes by the City of the maximum allowable SDC or the percentage of the maximum allowable SDC imposed shall neither increase or decrease the SDC credit or SDC reimbursement determined above, however, if the percentage of the maximum allowable SDC is changed, all active public improvement agreements will be reviewed, and if necessary, SDC credit and/or SDC reimbursement amounts to be collected and reimbursed developers from sole and shared recovery areas will be recalculated in accordance with this policy.
- 7.6 The City's obligation to pay or apply SDC credit or SDC reimbursement shall be limited to SDC improvement fees actually collected by the City as provided in this policy. City's obligation to pay or apply SDC credit or SDC reimbursement from SDC improvement fees collected shall be further limited to the total of the SDC credit and SDC reimbursement calculated as provided in this policy. Payment of SDC credit and SDC reimbursement shall be subject to prior reimbursement claims which are payable from SDC collections. Persons who receive, or are entitled to claim, SDC credit or SDC reimbursement shall indemnify and hold the City harmless in the event the City is subject to claims by others for SDC credit or SDC reimbursement for the same improvements. City shall have the right to set off the amount of any competing claims for SDC credit or SDC reimbursement against prior claims for the same SDC credit or SDC reimbursement if in the City's judgment it becomes necessary to do so.

## Section 8.

### Application:

- 8.1 This policy shall apply to all eligible improvements installed and accepted after City Resolution #2064 which established water SDCs effective May 6, 1993.

Adopted: 11/17/93  
Revised:

Print Date: February 27, 1997

City of Bend  
Street Policy 5  
Street System Development Charge Credit and Reimbursement

Section 1. Purpose:

It shall be the policy of the City of Bend that expansions to the City's street system shall only be accomplished as directed and approved by the City. The timing and financing of system expansions shall be as provided in this policy.

Expansions to the street system that involve the construction of collector and/or arterial streets shall be accomplished pursuant to the City's Comprehensive Plan. It is anticipated that these improvements will be financed by funds generated from systems development charges (SDC's), other resources or by developers as provided below. The timing of improvements to be constructed by the City will be subject to the availability of City funds to finance them.

Section 2. Procedure:

Developers who wish to expand the street system by dedicating land and/or constructing streets may do so according to the following procedure:

- 2.1 Prior City approval will be required.
- 2.2 An executed agreement between the developer and the City shall be required and shall set forth the development requirements as well as an SDC credit and/or SDC reimbursement, if available.
- 2.3 All improvements must be constructed according to applicable City Standards, rules and regulations, including the Comprehensive Plan, as determined by the City Engineer.
- 2.4 All of the cost of such improvements shall be paid by the developer.
- 2.5 The developer's costs associated with the construction of these qualified public improvements may be eligible for SDC credit and/or SDC reimbursement as provided in this policy.

Adopted: 09/06/95  
Revised:

Print Date: September 12, 1995



Section 3.            SDC credit:

The SDC credit shall be determined first and shall:

- 3.1    Only be available for qualified public improvements as defined in Oregon Revised Statutes (ORS) 223.304(3) (i.e., improvements that are identified in the City's Comprehensive Plan).
- 3.2    Be a credit against only the improvement fee portion of the SDC. The improvement fee portion against which the credit may be applied shall be calculated by using the methodology as it is employed in the City's SDC Ordinance and Resolution. If less than the maximum allowable SDC is charged in the Resolution, the percentage of the maximum allowable SDC used shall also be used to determine that portion of the improvement fee against which the SDC credit can be applied.
- 3.3.    The amount of the credit shall not exceed the improvement fee as calculated above. e.g., if a developer incurs \$100,000 for collector and/or arterial street improvement costs of which \$70,000 is related to qualified improvements, and, if the development has 20 lots and the SDC improvement fee is 70% of the maximum allowable SDC improvement fee of \$1,149, or \$804, the SDC credit would be \$16,080 (20 x \$804). If the development included 100 lots the SDC credit would be limited to \$49,000 as the SDC improvement fee times the number of lots (100 x 804 = \$80,400) exceeds the qualified costs subject to the SDC credit times the percentage of the maximum allowable SDC improvement fee.  
( $\$70,000 \times .70\% = \$49,000$ )

Section 4.            SDC Reimbursement:

In addition to the SDC credit a developer may be eligible for SDC reimbursement.

SDC reimbursement shall be determined as follows:

The maximum SDC reimbursement shall be limited to the collector and/or arterial street improvement costs expended by the developer, as determined by the City Engineer, times the percentage of the maximum allowable SDC in place at the time of executing an agreement with the City, less any SDC credit related to the improvements. There shall be no SDC reimbursement if the SDC credit exceeds the maximum SDC reimbursement. Qualified costs of collector and/or arterial street improvements shall include actual construction costs, exclusive of right-of-way and preliminary engineering costs.

Section 5. SDC Credit and Reimbursement-Collection and Payment Procedures:

SDC credit and SDC reimbursement will be collected and paid as follows:

- 5.1 The current SDC, as established by the Bend City Council, shall be collected by the City on all building permits issued by the City or with other agreements as applicable. The SDC may have two components; an improvement fee for future system improvements and a reimbursement fee for existing or in-progress improvements.
- 5.2 SDC improvement fees collected by the City shall be paid to developers and retained by the City in accordance with this policy.
- 5.3 SDC reimbursement fees collected by the City shall be retained by the City to reimburse the City for previous system expenditures, related debt service or future improvements.

Section 6. Shared/Sole Recovery Areas:

- 6.1 The area served or to be served by the City's street system within the City limits will be categorized as either shared recovery area or as sole recovery area. Sole recovery areas shall be determined by the City Engineer and shall include only the developer's property that is to be served by the approved facilities constructed by the developer. Shared recovery area shall include all area served or to be served by the City's street system that is not otherwise designated as sole recovery area within the City limits.
- 6.2 SDC improvement fees collected from each sole recovery area shall be applied as follows:
  - 6.2.1 SDC credit due the developer of the sole recovery property, until paid.
  - 6.2.2 SDC reimbursement due the developer of the sole recovery property, until paid or until the 10 year recovery period expires.
  - 6.2.3. Once items 1 and 2 are met the sole recovery property shall become shared recovery area.

Adopted: 09/06/95  
Revised:

Print Date: September 12, 1995

- 6.3 SDC improvement fees collected from the shared recovery area shall be applied as follows:  
To developers with outstanding SDC credit and SDC reimbursement balances, including the City, in proportion to the outstanding SDC credit and SDC reimbursement balances, at the end of the repayment period, of all developers, including the city participating in the shared recovery area.
- 6.4 SDC improvement fees collected and paid to developers from the shared recovery area shall be limited to the amount of SDC credit and/or SDC reimbursement that would not otherwise be collectible from SDC improvement fees within a developer's sole recovery area.
- 6.5 There shall be no payment made, for either the SDC credit or SDC reimbursement, to the developer from any SDC improvement fee collected within the sole recovery area or shared recovery area until the improvements are accepted by the City.
- 6.6 There shall be no SDC credit or SDC reimbursement paid after 10 years from the date the qualified improvements are accepted by the City.
- 6.7 A sole recovery area shall become shared recovery area when the developer has been paid the SDC credit and/or SDC reimbursement in full, or the SDC credit is paid in full and the 10 year SDC reimbursement period expires.

#### Section 7.

##### Payment Schedule:

- 7.1 Payment of SDC credit and SDC reimbursement amounts shall be payable annually by the City for SDC improvement fees collected by the City from January 1 through December 31 of each year by January 31 of the year following collection by City.
- 7.2 No interest shall accrue on SDC credit or SDC reimbursement payable to developers.
- 7.3 There shall be no adjustments made to the amount of any SDC credit or SDC reimbursement amount as a result of inflation.

Adopted: 09/06/95  
Revised:

Print Date: September 12, 1995

Section 8. Assignment of Claims:

- 8.1 Claims from SDC credit and SDC reimbursement are personal and may not be assigned without the written consent of City.

Section 9. Future Changes to Maximum Allowable SDC:

- 9.1 Future changes by the City of the maximum allowable SDC or the percentage of the maximum allowable SDC imposed shall neither increase or decrease the SDC credit or SDC reimbursement determined above, however, if the percentage of the maximum allowable SDC is changed, all active public improvement agreements will be reviewed, and if necessary, SDC credit and/or SDC reimbursement amounts to be collected and reimbursed developers from sole and shared recovery areas will be recalculated in accordance with this policy.

Section 10. City's Obligation to Pay:

- 10.1 The City's obligation to pay or apply SDC credit or SDC reimbursement shall be limited to SDC improvement fees actually collected by the City as provided in this policy. City's obligation to pay or apply SDC credit or SDC reimbursement from SDC improvement fees collected shall be further limited to the total of the SDC credit and SDC reimbursement calculated as provided in this policy. Payment of SDC credit and SDC reimbursement shall be subject to prior reimbursement claims which are payable from SDC collections. Persons who receive, or are entitled to claim, SDC credit or SDC reimbursement shall indemnify and hold the City harmless in the event the City is subject to claims by others for SDC credit or SDC reimbursement for the same improvements. City shall have the right to set off the amount of any competing claims for SDC credit or SDC reimbursement against prior claims for the same SDC credit or SDC reimbursement if in the City's judgment it becomes necessary to do so.

Section 11. Applicability:

- 11.1 This policy shall apply to all eligible improvements installed and accepted after City Resolution #2146 which established street SDCs effective June 15, 1995.

**CITY OF BEND**  
**ACCOUNTING POLICY**  
Write Offs of Uncollectible Receivables

Effective Date: January 1, 2006

Section 1.

*General Provisions.* Once all established procedures for collection of receivables have been exhausted, City of Bend staff has the authority to write-off loans, liens or assessments, miscellaneous receivables and charges for services through written authorization of the City Manager or delegee.

Section 2.

*Specific Circumstances.* The following, though not intended to be an all inclusive listing, are the examples of specific circumstances under which receivables may become uncollectible by the city:

- 2.1 Residents move away from Bend before the collection process is brought to bear on delinquent receivable accounts (primarily utility accounts);
- 2.2 Liens or assessments against properties that change property owners after the line is enacted are no longer enforceable by the city (historically, this occurred occasionally; currently, this is exceptionally rare);
- 2.3 Ambulance billings that are sent to collections yield a reduced percentage upon collection; the remaining balance becomes uncollectible;
- 2.4 Results of a customer bankruptcy proceeding may reduce or eliminate the value of the receivable

Section 3.

*Procedures for Collections.* City staff is required to emplace and maintain all valid, thorough and appropriate collection processes to ensure collection of all receivables to the extent possible.

Section 4.

*Write-off Authorization.* A report of delinquent accounts, including the detail of the receivable (purpose, principal, interest, date of original transaction) and the cause of the receivable becoming uncollectible, shall

be forwarded periodically with the recommendation of the Finance Director, to the City Manager for his written authorization to write off.

City of Bend  
Amplified Sound Policy

Section 1. Purpose:

To provide for the consistent application of amplified sound within the City of Bend for minor special events.

Section 2. Amplified Sound Policy:

The Bend City Council authorizes the City Manager to issue permits for amplified sound in public parks and public places for minor events. In exercising this authority, the City Manager shall take into consideration:

- 2.1 The number of participants estimated for the event.
- 2.2 The proximity of residential areas to the event.
- 2.3 The duration of the amplified sound.
- 2.4 The area that will be involved in the amplification.
- 2.5 Other extenuating circumstances involved in the request.

Adopted: 07/18/84  
Revised:

Print Date: July 18, 1995

City of Bend  
City Hall Meeting Room Usage Policy

Section 1. Purpose:

City Hall has two rooms available for general use, which may be used by organizations other than the City. They are:

- 1.1 The City Council Chamber which can accommodate meetings of up to forty persons;
- 1.2 The City Hall Board Room for meetings of up to twenty persons.

Section 2. General:

- 2.1 City business will take precedence over any and all other meetings. Groups which have reserved the room in advance are subject to cancellations to accommodate this priority. This is particularly true during normal working hours. The City will attempt to accommodate groups prior to a cancellation and may shift meeting rooms.
- 2.2 Reservations for either of these rooms during normal City working hours will only be accepted up to five working days in advance. Reservations will be taken on a first come, first serve basis. All reservations are subject to City Manager or designee approval. No room may be reserved on a continual basis.
- 2.3 Any group reserving either of these rooms will be required to pay a deposit of one hundred dollars (\$100) within 24 hours of making the reservation. Failure to pay this deposit as required will result in cancellation of the reservation. Upon inspection by the City and approval of the condition of the room, the deposit will be refunded, minus any clean up costs. Any damage to the room will be charged at cost to the reserving party. Deposits may be withheld pending repair of any and all damage.

Section 3 Provisions for Non-Profit Organizations:

- 3.1 501-C-3 agencies and other governmental agencies will not be charged a fee for use of either room. All other groups will be charged a fee of \$50.00 for use of either room.
- 3.1 No deposit will be required for public agencies, i.e. school district, county, etc.



## Section 4

Prohibitions:

- 4.1 Smoking is not allowed in the meeting rooms or in the City Hall building.
- 4.2 Polystyrene product use is prohibited in all City Hall facilities.
- 4.3 There will be no food or drink served in the meeting rooms.

## Section 5

Other:

- 5.1 Any group wishing to use the sound system in the Council Chambers must first obtain permission from the City Manager or designee. The system may only be operated by authorized City personnel, and a fee to cover the City's cost will be charged.
- 5.2 Use of the City meeting rooms must not interfere in any way with the conduct of City business. Disruptive or noisy groups will be required to leave the City meeting room upon direction of the City Manager or designee.
- 5.3 Individuals or groups wishing to reserve one of these rooms should contact City Administration offices.

**City of Bend  
Advisory Committee Policy**

**Section 1.**            **Purpose:**        The purpose of this policy is to state the manner in which the appointment of representatives to City Council commissions, committees, boards and other advisory groups shall occur.

**Section 2.**            **Statement:**      The City of Bend chooses to promote the opportunity for diverse representation on all advisory groups. In order to achieve this goal It shall be the policy of the City of Bend to make appointments to commissions, committees, boards, and other advisory groups in the following manner

2.1        Citizen commissions, committees, boards and other groups advising the City that make decisions, create policy, or interpret policy shall be composed of Bend residents These committees include the Bend Development Board, City of Bend Budget Committee, Bend Planning Commission and the Historic Landmarks Commission.

2.2        Residents of Bend shall be preferred for membership on other citizen commissions, committees, boards and other groups advising the City unless It is in the best interest of the City to have residents of Deschutes County, not residing in the City of Bend, appointed.

2.2.1      These appointments shall be restricted to residents who have an unusual set of skills, experiences or affiliations that enhance the work of the commission, committee, board or other group advising the City.

2.2.2      All appointees residing outside the City shall be identified at the time of their appointment.

2.3        All openings on any commission, committee, board, or other group advising the City, shall be advertised to promote broad response and interest in the positions.

- 2.4 Prospective appointees to commission, committees, boards, or other groups advising the City shall undergo an interview process. Appointments shall be made in conformance with the City Charter in which the Mayor makes the appointments with the advise and consent of the Council.
- 2.5 No person shall be reappointed to a commission, committee, board, or other group advising the City if that person has served for two full terms of service or six years, whichever is greater, on that commission, board or other group advising the City.
- 2.6 This policy does not apply to elected City Councilors, who may serve on any commission, committee or board as long as they are serving on the Bend City Council.
- 2.7 This policy shall not apply to terms of service on the Bend Urban Area Planning Commission. Such terms are limited by Bend Ordinance No. NS 1300, as amended.

City of Bend  
Electronic Mail (E-Mail) Policy

Section 1. Purpose:

Electronic mail is a City of Bend resource and is provided as a business communications tool. E-mail is subject to the public record & retention requirements established by the State of Oregon. Employees should have no expectation of privacy in their use of electronic mail.

Section 2. Responsibilities:

- 2.1 City Recorder: Implement, maintain and communicate to all employees a City policy on electronic mail (E-mail) use.
- 2.2 Departmental: E-mail communications subject to retention and/or public disclosure shall be filed in the appropriate location.
- 2.3 Information Systems Section: Support and maintain the E-mail system.
- 2.4 All employees: Comply with agency policy and departmental procedures.

Section 3. Privacy/Public Access:

- 3.1 The City of Bend reserves the right to monitor E-mail messages and to access employee E-mail.
- 3.2 No employee shall read E-mail received by another employee when there is no business purpose for doing so.
- 3.3 No employee shall send E-mail under another employee's name without authorization.
- 3.4 No employee shall change any portion of a previously sent E-mail message without authorization.

Section 4. Appropriate Use:

- 4.1 E-mail shall be used for business matters related to the business activities of the City of Bend and as a means to further the City mission by providing services that are efficient, complete, accurate, and timely.
- 4.2 Use of E-mail is subject to all other City policies related to the use of City resources. E-mail shall not be used for personal gain, outside business activities, political activity, fundraising, or charitable activity not sponsored by the City of Bend.

Section 5. Filing and Retention:

- 5.1 The City of Bend's policy is to provide for efficient retention of E-mail communications. E-mail communications are considered public records and retention and disposition of public records is authorized by retention schedules contained in the City of Bend record retention manual.
- 5.2 Departments are responsible for developing filing systems which include E-mail and are responsible for instructing employees on appropriate use of these systems.
- 5.3 When appropriate, E-mail messages may be filed with program records and assume the same retention as the records they are filed with. When E-mail records do not relate obviously or directly to a program, they may be filed as correspondence. When they are filed as correspondence, the retentions contained in the City of Bend record retention manual.
- 5.4 Some E-mail systems enable users to enclose or attach records to messages. These enclosed or attached records need to be filed according to their function and content, and they will assume the retention of the records they are filed with.

Section 6. Employees found to have violated any provision of this policy shall be subject to appropriate disciplinary action.

Adopted: 11/06/96  
Revised:

Print Date: February 27, 1997

**City of Bend**  
**Policy on Meals Provided to Council Members and Staff when Council Members or Staff Are  
Required to Work Through a Regular Meal Time Period**

**Section 1.           Purpose:**

This policy is adopted to allow Bend City Council Members and staff to accept meals provided by the City of Bend under the "reimbursement" provisions of ORS 244.040(1). This policy applies when meals are served during meetings that occur during a time of day when meals are normally consumed. This policy is intended to avoid the unnecessary process of first requiring the Council Member or staff member to pay for a meal, and then having the City of Bend reimburse the cost of the meal, as allowed by statute.

Because of the time demands of City Council service, and the need for staff to attend City Council meetings, meetings are often held during normal meal hours because that is often the only time when council members are reasonably able to convene. This means that council members and staff who are required to attend such meetings would otherwise miss meals, unless meals were served by the City of Bend, or unless meetings were held in restaurants or private homes where meals could be served. The City Council finds that it is not in the public interest to conduct public meetings in restaurants or private homes. The council further finds that it is not in the public interest to conduct meetings when council members and staff have missed a meal, because they would function less efficiently. If meetings were conducted in restaurants, however, City Council members and staff would be entitled to reimbursement for the cost of such meals under ORS 244.040(1), without violating the Oregon Government Standards and Practices law.

The City Council finds that providing meals during meetings that are scheduled during ordinary meal hours complies with the "reimbursement" provision for such meals by the City of Bend under ORS 244.040(1). It is a far more sensible use of public funds to have the City of Bend provide meals to City Council members and invited staff when meetings occur during ordinary meal hours than to set up a system where Council Members or staff pay the City for such meals, and then put the City through the time and expense of "reimbursing" for such meals, which is specifically allowed under ORS 244.040(1). The public interest in efficient use of public funds is served by such avoiding the administrative time involved in following a strict reimbursement process in the case of meals described in this policy. The City Council finds that the purpose and intent of ORS 244.040(1) is met by having meals for Council Members and necessary staff served and paid for by the City of Bend where public meetings coincide with ordinary meal hours.

**Section 2.           Policy:**

Members of the Bend City Council and staff members who are required to attend meetings for the conduct of city business may accept meals provided by the City of Bend where such meetings are held during ordinary meal hours. It is the policy of the City of Bend that the value of such meals is a cost item that would be reimbursable to the Council Member or staff person under ORS 244.040(1), and this policy is therefore consistent with the reimbursement provisions of ORS 244.040(1).

City of Bend  
Parking Designations in Downtown Area

Section 1. Purpose:

The purpose of this policy is to designate specific parking designations in the Downtown area that are not addressed in Bend City Code, Chapter 6, Section 6.910.

Section 2. Employee Handicap Parking within the Downtown District:

- 2.1 Handicapped persons employed in the downtown district, using vehicles bearing the proper emblem, as prescribed by ORS 811.602 - 640., shall be allowed to park their vehicle downtown for a period of 30 minutes. This is to allow the employee the opportunity to park the vehicle, get into their place of business and have someone move the vehicle.

Section 3. Two-Hour Parking/All Day Parking Mix:

- 3.1 This provision applies to the designation of two hour parking and all day parking east of downtown on NW Harriman, Greely, Hawthorne, Irving, and Hill Streets.
- 3.2 Wherever possible, one half of all parking within this area will be posted as two-hour limitation parking. The remaining area will be left un-posted to allow all day parking.

City of Bend  
Street Vendor Policy

Section 1. Purpose:

To provide consistent guidelines for vendors operating on public right of way.

Section 2. Street Vendor Permit:

Bend Code Section 7.500 authorizes the City Manager to issue revocable permits for street vendors who sell goods or offer goods for sale on public property. The permits issued by the City Manager are revocable by the City Manager for failure to abide by any of the terms or conditions applicable to the permit.

As used in this policy, the term "City Manager" shall mean the City Manager or his/her designee.

Section 3. Conditions of Permit:

This policy is deemed to be a part of every street vendor permit issued by the City Manager, and the terms and conditions of this policy are deemed to be terms and conditions of every permit, unless specifically exempted in writing by the City Manager.

- 3.1 Prior to issuance of a Street Vendor Permit, permittee must obtain all necessary State and local permits. Permits include, but are not limited to Deschutes County Environmental Health Department permits, sign permits, and Bend Fire Department approvals. Other permits may be required as appropriate by the City Manager, depending on the special circumstances of the application.
- 3.2 Permittee must obtain and maintain insurance coverage as required by Bend Code Section 7.502(a).
- 3.3 Permittee must comply with all conditions of operations listed in Section 4 of this Policy.
- 3.4 Permittee shall operate from a self-contained unit. Self-contained means that all needs associated with the Permittee's sales must be contained on a single unit with the exception of a single chair for the



use of the permittee only. No other objects may be placed in the public right of way.

- 3.5 Permittee must submit a drawing or photo of the proposed unit for the City Manager's consideration at the time of application. If the permittee, during any time of operation, wishes to modify the unit in a way that varies from the drawing or photo submitted at the time of application, the permittee must obtain prior approval from the City Manager. A permittee must provide a complete list of all items the permittee proposes to offer for sale. Any failure to obtain prior approval for modification of any unit, or any failure to provide a complete list of items to be offered for sale is a violation of the permit.
- 3.6 A permit application shall include the name and address of the permittee or an agent appointed for purpose of receiving notice. Delivery of any notice to the permittee by first class mail at the address listed on the application shall be conclusive proof of actual notice to the permittee. Notice may also be served on a permittee at any place of operation, and notice served on any person conducting business under the street vendor permit shall be deemed to be actual notice to the permittee.
- 3.7 The permit fee shall be established by the City of Bend's Fee Resolution.
- 3.8 The fee for obtaining a Street Vendor's Permit shall be paid in full at the time of application. Permit fees are non-refundable.
- 3.9 The City Manager may add such additional conditions to a permit as are necessary for the protection of the public health, safety or welfare, as the individual circumstances may require. The City Manager may also waive a requirement of this policy (except the insurance requirement in Section 3.2) where such waiver is necessary to comply with state or federal law. Any additional conditions or waivers of conditions may occur after a permit is issued, depending on the particular conditions of operation by the permittee.
- 3.10 The provisions of this policy are incorporated into each permit. Violation of any provision of this policy is a violation of the permit.

Section 4. Conditions of Operations:

- 4.1 Permittee shall post evidence of the permit in a conspicuous place on the unit.

- 4.2 Permittee shall comply with all federal, state, county and city laws, ordinances and regulations concerning operation the unit.
- 4.3 Permittee's area of operation shall not exceed 25 square feet and may be specifically delineated by the City Manager on the right-of-way. Permittee may only operate at one of the locations identified by the City Manager, as provided by Section 4.9.
- 4.4 At all times, permittee must leave at least a 5' path open for the public using the city's right-of-way.
- 4.5 Permittee shall provide the City of Bend with a damage deposit of \$200.00, which the City may draw upon for cleaning or repair necessitated by permittee's operations. This damage deposit is in addition to the permit fee provided for in the City of Bend's Fee resolution. Except in the case of an emergency condition caused by permittee's operations that cause an immediate threat to the public's health or safety, the City will give notice and a reasonable opportunity to a permittee to clean or repair before the City uses the damage deposit for that purpose. The damage deposit will be returned by the City after expiration of the permit (December 31), provided that the deposit is not needed to clean up after the permittee or to repair damage caused by the permittee's operations. ~~If part of the deposit is needed for clean-up or for damage repair, then the remainder of the~~ deposit will be refunded. If it is necessary for the City to use all or part of the damage deposit before the permit expires, the City Manager may, in his or her discretion, revoke the permit or require the deposit of additional money as a condition of continued operation.
- 4.6 Permittee shall clean the area surrounding the unit each day. Permittee is responsible for pick up of all trash within a 10 foot radius of the unit at all times, whether such trash was deposited by permittee's customers or by others. Permittee is responsible for disposal of all trash collected under this section. Permittee is required to wash the pavement clean of all stains caused by permittee's use of the right-of-way.
- 4.7 Permittee may not use the City's storm drainage system to dispose of anything.
- 4.8 Permittees may not drive motorized vehicles onto City's sidewalks.
- 4.9 The City Manager will designate a list or map of locations (Exhibit A)

for operation by street vendors, and this list or map of locations may be changed from time to time in the discretion of the City Manager. Permittees may operate only at one of the locations designated by the City Manager. On the first (1<sup>st</sup>) day of February of each year, the City Manager shall conduct a lottery drawing in which each permittee is given the opportunity to draw a number, beginning with number one, and ending with the total number of locations then designated by the City Manager. The permittee who draws the lowest number shall be entitled to operate at the location of his/her choice for that year; the person who draws the second lowest number shall be entitled to operate at location of his/her choice out of the remaining locations available for that year; and so on, until all permittees have a designated location for that year. Any permittee who has not applied for a Street Vendors Permit by February 1st and does not participate in the yearly location lottery shall be allowed to operate at any remaining location then designated by the City Manager that has not been selected by another permittee under this section on a first come, first served basis. Locations assigned to street vendors are non-transferable.

- 4.10 Notwithstanding the provisions of Section 4.9, the City Manager may, in his/her sole discretion, deny a location to a street vendor where the street vendor intends to sell merchandise within one-half block of a permanent retailer that sells the same type of item offered by the street vendor where the permanent retailer is located on the same street, or around a single corner. In such cases, the street vendor shall select another location from the map of locations described in Section 4.9. For purposes of this section, a "permanent retailer" is a retailer (including a restaurant operator) who occupies a permanent building, and was in full operation selling the same type of item before the permittee acquired its annual permit for the calendar year in question. A permit will not be revoked during a calendar year if a permanent retailer moves in to the permanent building after a permit has been issued for that calendar year.
- 4.11 Permittee is not allowed to have personal pets at the location during hours of operation.
- 4.12 There shall be no chairs or other seating provided by any permittee for customers.
- 4.13 Cooking systems must be approved by the Bend Fire Department.
- 4.14 No electrical cords or electrical generators are allowed.

- 4.15 No permittee may block any public facilities, such as kiosks, disabled access, entrances to buildings or sidewalks, as defined by the City Manager.
- 4.16 Special events that are formally approved by the City for the downtown area which affect the approved street vendor locations shall have precedent over and supercede the right to locate in such areas for the duration of the event. Any vendor who has a location that is affected by the event who wishes to operate in the downtown area during the duration of the event shall seek permission from the event organizers.

Section 5. Annual Review of Fee

The City shall review costs associated with the issuance of Street Vendor Permits on an annual basis, and shall include such fee in the City of Bend's Fee Resolution. The fee shall be based on the average cost to the City of administration and enforcement of the Street Vendor permit system.

Section 6. Enforcement and Appeal

- 6.1 Any person who operates as a street vendor in violation of their permit or this policy shall be in violation of Bend Code Section 5.120(4) (~~Obstructing a Public Way~~). In addition, enforcement may be through nuisance procedures or any other legal means available to the City.
- 6.2 Revocation of a permit shall be by written notice from the City Manager. In the event that a permit is revoked, a permittee may file an appeal with the Bend Municipal Court within ten business days of the date notice of revocation is served. The ten-day appeal period shall begin to run the day after the date the notice is served. If service is by mail, the date of mailing shall be the date of notice, for purposes of calculating the appeal period.
- 6.3 If a permit is revoked, the permittee can continue to operate during the appeal proceedings at the discretion of the City manager if the nature of the violation is rectified.

Section 7. Effective Date

This revised policy takes effect January 1, 2006.